



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Disclosure Log Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

Application Details	
Ref. No.	CMTEDDFOI 2023-414
Date of Application	5 December 2023
Date of Decision	12 February 2024
Processing time (in working days)	42
Fees	Waived
Decision on Access	Partial Release
Information Requested (summary)	WorkSafe ACT complaints statistics and documents relating to supermarkets from 2018 to present.
Publication Details	
Original application	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision notice	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Documents and schedule	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision made by Ombudsman	N/A
Additional information identified by Ombudsman	N/A
Decision made by ACAT	N/A
Additional information identified by ACAT	N/A

From: [REDACTED]
To: [CMTEDD FOI](#)
Subject: [REDACTED] request-CMTEDD FOI - CMTEDDFOI 2023-414
Date: Tuesday, 5 December 2023 9:29:48 AM

You don't often get email from [REDACTED] [Learn why this is important](#)

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. [Learn why this is important](#)

Good evening,

I would like to access information from SafeWork ACT through a Freedom of Information request in my role as a researcher for [REDACTED].

I could not find a direct email on the website, but I trust you will forward it to the correct party. Please let me know ASAP.

I am applying for this fee to be waived as the request is in the public interest in my role as a journalist.

Questions Safework ACT

How many notifications/complaints has SafeWork ACT received separately, in relation to Coles Supermarkets, Woolworths Supermarkets, ALDI and IGA, from 2018 to present (by company broken down by January to December each year and January to December 1 for 2023)?

Please list details of what each complaint was for, (ie. bullying allegation manager by employee, electric shock etc.)

Please list the outcome of each complaint, (ie. staff member reprimanded, fired etc.)

Please include any related internal documents you can in relation to these notifications/complaints, redacting identifiable details.

Thanks very much,

[REDACTED]







ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDD FOI 2023-414



FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on **5 December 2023**, in which you sought access to:

How many notifications/complaints has SafeWork ACT received separately, in relation to Coles Supermarkets, Woolworths Supermarkets, ALDI and IGA, from 2018 to present (by company broken down by January to December each year and January to December 1 for 2023)?

Please list details of what each complaint was for, (ie. bullying allegation manager by employee, electric shock etc.). Please list the outcome of each complaint, (ie. staff member reprimanded, fired etc.) Please include any related internal documents you can in relation to these notifications/complaints, redacting identifiable details."

The business area reported that there is limited functionality to produce a report for the elements of SafeWork ACT notifications and complaints you have requested. Therefore, all information has been supplied to you, rather than a listing.

Authority

As an appointed Information Officer under section 18 of the Act, I am authorised to make a decision on access or amendment to government information in the possession or control of CMTEDD.

Timeframes

In accordance with section 40 of the Act, CMTEDD was required to provide a decision within 30 working days. Due to third party consultation processes, an additional 15 working days were applied. Therefore, a decision and response are due on **15 February 2023**.

Decision on access

Searches were completed for relevant documents and 20 documents were identified that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of the documents that fall within the scope of your request and the access decision for those documents.

I have decided to grant partial access to all documents.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as **Attachment B** to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below.

Statement of Reasons

In reaching my access decisions, I have taken the following into account:

- the Act
- the content of the documents that fall within the scope of your request
- third party consultation
- the *Human Rights Act 2004*.

Exemption claimed

My reasons for deciding not to grant access to the identified documents and components of these documents are as follows:

Information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act

Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interest lies. As part of this process, I must consider factors favouring disclosure and nondisclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it appears’. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the ‘public interest’.

Factors favouring disclosure in the public interest under schedule 2.1 of the Act:

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
- (ii) *contribute to positive and informed debate on important issues or matters of public interest.*
 - (viii) *reveal the reason for a government decision and any background or contextual*

information that informed the decision.

(xvi) contribute to innovation and facilitate research.

The release of this information can reasonably be expected to provide some background and context into the administration and decision-making process relating to WorkSafe ACT's regulatory activities. Additionally, I am satisfied that release of this information will reasonably reveal reasons behind decision made by WorkSafe ACT when dealing with complaints against the four supermarkets noted in your access application scope. I am confident these factors carry significant weight.

There is a possibility that disclosure could contribute to the facilitation of research into the area of supermarkets and workplace, health and safety issues. However, without a framework to apply this research to, I apply low weight to this factor.

I am satisfied that these factors favouring disclosure carry some weight. However, these factors are to be balanced against the factors favouring nondisclosure.

Factors favouring nondisclosure in the public interest under schedule 2.2 of the Act:

(a) disclosure of the information could reasonably be expected to do any of the following:

(ii) prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.

(xi) prejudice trade secrets, business affairs or research

When considering the information and factors in favour of nondisclosure, I have considered the personal information in the documents. I consider it unreasonable to release information that could identify the details of the person or persons that have performed their duties in line with their employment or been in contact with or cooperated in a regulatory activity with the ACT Government, on behalf their employing entity. I believe the release of this information may prejudice the protection of these individuals' right to privacy or any other right under the *Human Rights Act 2004*. I am satisfied that this factor favouring nondisclosure should be afforded significant weight as it relates to the individuals' privacy.

I have also considered that disclosure could reasonably be expected to prejudice trade secrets, business affairs or research of the entities named. This provision of the Act is designed to protect trade secrets, business interests and, or research of third parties. This factor ensures that a third party will not be disadvantaged by the provision of commercial information to competitors, leading to a distortion of the market.

In this case I do not consider that the disclosure of this information will disadvantage the entities named. It will not increase competitive pressure as no commercially sensitive information is being released, nor trade secrets such as methodologies or proprietary processes. Research into the handling of workplace health and safety matters may be disclosed, however I find these do not concern specific business operations nor are they commercially sensitive.

Public interest assessments must be considered individually, based on the nature of the information at issue. In this case, I have decided the factor of Schedule 2.2a (xi) *prejudice trade secrets, business affairs or research*, does not outweigh public interest.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are applicable for this request because the total number of pages to be released to you exceeds the charging threshold of 50 pages. However, the charges have been waived in accordance with section 107(2)(b) of the Act.

Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published on the CMTEDD disclosure log after 3 days from the date of my decision. Your personal contact details will not be published.

You may view CMTEDD disclosure log at

<https://www.cmtedd.act.gov.au/functions/foi/disclosure-log-2023>

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is provided to you, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K Stuart', written in a cursive style.

Katharine Stuart
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate
12 February 2024



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST

Reference NO.

How many notifications/complaints has SafeWork ACT received separately, in relation to Coles Supermarkets, Woolworths Supermarkets, ALDI and IGA, from 2018 to present (by company broken down by January to December each year and January to December 1 for 2023)? Please list details of what each complaint was for, (ie. bullying allegation manager by employee, electric shock etc.). Please list the outcome of each complaint, (ie. staff member reprimanded, fired etc.) Please include any related internal documents you can in relation to these notifications/complaints, redacting identifiable details."

CMTEDDFOI 2023-414

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-31	Aldi Supermarket 2019 Incidents	2019	Partial release	Sch 2 s2.2 (a)(ii)	Yes
2	32-43	Aldi Supermarket 2021 Incidents	2021	Partial release	Sch 2 s2.2 (a)(ii)	Yes
3	44-49	Aldi Supermarket 2022 Incidents	2022	Partial release	Sch 2 s2.2 (a)(ii)	Yes
4	50-57	Aldi Supermarket 2023 Incidents	2023	Partial release	Sch 2 s2.2 (a)(ii)	Yes
5	58-61	Coles Supermarket 2018 Incidents	2018	Partial release	Sch 2 s2.2 (a)(ii)	Yes
6	62-65	Coles Supermarket 2019 Incidents	2019	Partial release	Sch 2 s2.2 (a)(ii)	Yes
7	66-88	Coles Supermarket 2021 Incidents	2021	Partial release	Sch 2 s2.2 (a)(ii)	Yes
8	89-102	Coles Supermarket 2022 Incidents	2022	Partial release	Sch 2 s2.2 (a)(ii)	Yes
9	103-126	Coles Supermarket 2023 Incidents	2023	Partial release	Sch 2 s2.2 (a)(ii)	Yes
10	127-130	IGA Supermarket 2018 Incidents	2018	Partial release	Sch 2 s2.2 (a)(ii)	Yes
11	131-137	IGA Supermarket 2019 Incidents	2019	Partial release	Sch 2 s2.2 (a)(ii)	Yes
12	138-163	IGA Supermarket 2021 Incidents	2021	Partial release	Sch 2 s2.2 (a)(ii)	Yes
13	164-165	IGA Supermarket 2022 Incidents	2022	Partial release	Sch 2 s2.2 (a)(ii)	Yes

14	166-198	IGA Supermarket 2023 Incidents	2023	Partial release	Sch 2 s2.2 (a)(ii)	Yes
15	199-206	Woolworths Supermarket 2018 Incidents	2018	Partial release	Sch 2 s2.2 (a)(ii)	Yes
16	207-214	Woolworths Supermarket 2019 Incidents	2019	Partial release	Sch 2 s2.2 (a)(ii)	Yes
17	215-225	Woolworths Supermarket 2020 Incidents	2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
18	226-244	Woolworths Supermarket 2021 Incidents	2021	Partial release	Sch 2 s2.2 (a)(ii)	Yes
19	245-254	Woolworths Supermarket 2022 Incidents	2022	Partial release	Sch 2 s2.2 (a)(ii)	Yes
20	255-270	Woolworths Supermarket 2023 Incidents	2023	Partial release	Sch 2 s2.2 (a)(ii)	Yes
Total No of Docs						
20						

Initial information

Type of report *

Inspector ID *

Inspection number

Lead inspector *

Is there any accompanying inspectors *

 Yes No

Date *

Time commenced *

Type of WPV *

 Proactive Reactive

Legislation *

 Dangerous Goods(Road Transport) ACT 2009 Dangerous Substances Act 2004 Long Service Leave Act 1976 Machinery Act 1949 Scaffolding and Lifts Act 1912 Work Health and Safety Act 2011 Workers Compensation Act 1951

Is this a joint inspection? *

 Yes No

Name of individual or registered company *

Name of individual or registered company *

ABN

ACN

Business or trading name (if different)

ALDI Sotres

2

Registered company address

Address line 1 *

10 Burando Road

Address line 2

Suburb *

Prestons

State *

NSW

Postcode *

2170

Contact name *

Sch 2.2(a)(i)

Contact number *

62511400

Email address *

Sch 2.2(a)(ii)

Workers compensation

Is a compulsory Workers Compensation Policy maintained? *

- Yes
- No
- Not applicable

Details of inspection

Site/Workplace address

Address line 1 *

Aldi Westfield Shopping Town

Address line 2

Benjamin Way

Suburb *

BELCONNEN

State

ACT

Postcode *

2617

Notification of entry to (as required by s164) *

PCBU

Manager

Supervisor

HSR

Other

N/A

3

Inspector notes

On arrival I went through a check out and asked if I could speak with the manager. The checkout operator summoned the manager for me after which I showed my ID, provided a business card also and explained we had received a complaint about dust, dust which would most likely include silica. I explained WorkSafe ACT is rolling out a Silica Dust Project to create awareness of the serious health consequences of breathing in too much silica dust.

During our discussion in the office about a summary of the work that had been undertaken, the **Sch 2.2(1)(b)**, the site manager for the construction work walked in and said he is handing the keys of the site back to . After further discussion about workers explained the workers involved in the flooring work were paid employees of Aldi however under his control. I concluded from this that was the principal contractor although I advised I would gather some further information in due course. provided me his business card and the contact details of the person in relation to the flooring work.

Given Aldi have numerous stores in the ACT and that this type of refurbishment work will happen again (every 5-7 years I was advised onsite) hence I noted the importance of my visit was to ultimately sit down with the key parties and take them through the WorkSafe ACT Silica Dust Project in an endeavour to prevent this uncontrolled dust silica emissions in the future refurbishment work and to assist in this I would need to see certain documents including the Safe Work Method Statement. I noted I would be in contact in due course and left the premises.

Form 1 - Workplace visit record/checklist/self-audit tool

HSR *

Unknown on the day

Activity (i.e. manufacturing composite stone, benchtops, foundries, concrete, bricklaying, tiling etc) *

Construction

Number of employees:

Full time

3

Part time

24

Casual

0

Part A: Hazard identification, control and communication

A11 - Are there any workers/ workgroups that are exposed to RCS? (s49 WHS Reg) *

Yes

No

Not applicable

A12 - Have workers been made aware of the hazards of exposure, including health effects to RCS? (s379 WHS Reg) *

Yes

No

Not applicable

A13 - Are Safety Data Sheets for manufactured products containing silica, accessible to workers (e.g. fibre cement products?) (s344 WHS Reg) * 4

- Yes
- No
- Not applicable

A14 - Does the PCBU have personal air monitoring data which confirms its workers are exposed to crystalline silica below the exposure standard of 0.1mg/m₃ (s49 WHS Reg) *

- Yes
- No
- Not applicable

Part B - Engineering and isolation controls - Appendix B

B20 - Is the PCBU relying on engineering and isolation controls to demonstrate compliance with the exposure standard? (s36 & s37 WHS Reg) *

- Yes
- No
- Not applicable

Identify if any of the following plant or equipment are being used on site, then refer to the Quick Guide

- B21 - Stationary masonry saws - Ref a)
- B22 - Handheld power saws (any blade diameter) - Ref b)
- B23 - Handheld power saws -fibre cement (only for blade diameter < 8"and outdoor tasks) - Ref c)
- B24 - Walk-behind saws - Ref d)
- B25 - Impact and rotary hammer drills - Ref g)
- B26 - Jackhammers and handheld powered chipping tools - Ref j)
- B27 - Handheld grinders for mortal removal (tuck pointing) - Ref k)
- B28 - Handheld grinders for uses other than mortar removal - Ref l)
- B29 - Walk behind milling machines and floor grinders - Ref m)
- B30 - Other Equipment - Ref Appendix D
- B31 - Other Equipment - Ref Appendix C
- B32 - Other Equipment

Part C - Respiratory protective equipment (RPE) - Appendix E

C33 - Does the PCBU rely on RPE to control exposures for their workers to below the exposure standard (i.e. 0.1 mg/m₃)? *

- Yes
- No
- Not applicable

Part D - Health Monitoring to 'further information' in the Crystalline Silica Dust Guidance Note

D40 - Is there a significant risk to the health? (i.e. air monitoring indicates exposures approach the WES or engineering and isolation controls are not sufficiently effective) (s368 WHS Reg) *

- Yes
- No
- Not applicable

D41 Has the PCBU arranged health monitoring where there is a significant risk to health? (If notices have been issued to implement controls to significantly reduce the risk to health: answer = N/A) (s368 WHS Reg) * 5

- Yes
- No
- Not applicable

D42 - Is the health monitoring carried out by or under the supervision of a registered medical practitioner (RMP) with experience in health monitoring? (s371 WHS Reg) *

- Yes
- No
- Not applicable

D43 - Has the PCBU provided the RMP with information on the workers tasks, length of exposure and where available, exposure levels? (s373 WHS Reg) *

- Yes
- No
- Not applicable

D44 - Has the PCBU obtained copies of health monitoring reports for its workers? (s374 WHS Reg) *

- Yes
- No
- Not applicable

D45 - Does the PCBU provide copies of health monitoring reports to its workers as soon as practicable, after it obtains a report ? (s375 WHS Reg) *

- Yes
- No
- Not applicable

D46 - Does the PCBU keep health monitoring reports as a confidential record in relation to a worker and for a period of 30 years? (s378 WHS Reg) *

- Yes
- No
- Not applicable

D47 - Have any test results indicated that the worker may have contracted a disease, or illness because of exposure to RCS? (s374 WHS Reg) *

- Yes
- No
- Not applicable

D48 - Has the PCBU reviewed control measures after receiving a report that a worker has suffered an illness/disease or a recommendation from a RMP? (s352 WHS Reg) *

- Yes
- No
- Not applicable

D49 - Has the PCBU provided a copy of a health monitoring report to WorkSafe ACT where any worker has contracted an illness/disease from RCS? (s376 WHS Reg) *

- Yes
- No
- Not applicable

D50 - Has the PCBU provided a copy of a health monitoring report to WorkSafe ACT where the report contains a recommendation for remedial measures including whether a worker can continue to work with RCS? (s 376 WHS Re6) *

- Yes
- No
- Not applicable

Inspector notes

The above responses in FORM 1 are all marked 'Not applicable' as its completion did not form part of this workplace visit as will be the case with FORM 2..

Form 2 - Pre-entry requirements & assessment

7

Inspector name

Stuart McKenzie

Inspector ID number

P05543

Date

2019-10-17

Site/Workplace

Address line 1 *

Aldi Westfield Shopping Town

Address line 2

Benjamin Way

Suburb *

BELCONNEN

State

ACT

Postcode *

2617

Individual or registered company details

Name of individual or registered company

Aldi Foods Pty Ltd

Address line 1 *

10 Burando Road

Address line 2

Suburb *

Prestons

State *

NSW

Postcode *

2170

Contact

Sch 2.2(a)(ii)

KEY REQUIREMENTS

Hazardous Chemical Register

You must have a Hazardous Chemicals Register (HCR) readily accessible to the inspector prior to their entry to the workplace the HCR includes each chemical at the workplace however during this visit as a minimum, a list of only products containing Silica accompanied by a current Safety Data Sheet (SDS) will suffice. (WH&S Reg 346)

Assessment for Respirable Silica dust

What actions have you taken to identify any workers or other persons likely to be exposed to respirable silica dust, what control measures have you implemented and maintained to effectively control exposures to workers or other persons prior to WorkSafe ACT's impending visit? Please refer to the questions below;

1. Does a study of SDSs or research about chemical composition of materials used/ handled in the workplace show significant percentage of silica in the materials? *

- Yes
- No
- Not applicable

Comments

2. If dust is generated in either an open space and/or in a closed space like a room or shed then is there any system in place for capturing dust by drawing air through a high efficiency particulate filter (captive ventilation)? * 8

- Yes
- No
- Not applicable

Comments

3. How much total time in minutes or hours in a shift would these workers be spending at the source of the dust generation? *

- Yes
- No
- Not applicable

Comments

4. Has any study or evaluation been done regarding the dust control measures as above? *

- Yes
- No
- Not applicable

Comments

5. Are the dust control measures checked (if so, how?) and maintained regularly? *

- Yes
- No
- Not applicable

Comments

6. Is any other particular class of workers/other persons (such as other contractors, technicians, operators, drivers, members of the public etc) required to come close to the area where dust is generated? *

- Yes
- No
- Not applicable

Comments

9

7. How often in a shift, are these workers/other persons (as identified in 6); required to come close to the location of dust generation? *

- Yes
- No
- Not applicable

Comments

8. How much total time in minutes or hours would these workers/other persons be spending close to the location of dust generation? *

- Yes
- No
- Not applicable

Comments

9. Is there any class of workers (such as maintenance crew), who go into confined/enclosed spaces like silos, mixers sheds etc where dust from high silica content materials may be present? *

- Yes
- No
- Not applicable

Comments

10. Would the activities of the workers as above disturb the dust? *

- Yes
- No
- Not applicable

Comments

11. How often are these workers as above required to be in the confined or enclosed and for what duration each time? *

10

- Yes
- No
- Not applicable

Comments

12. Has any study or evaluation been done regarding the dust control measures as above? (as identified in 9) *

- Yes
- No
- Not applicable

Comments

13. Are the dust control measures checked (if so, how?) and maintained regularly? *

- Yes
- No
- Not applicable

Comments

14. Are there suitable respirator masks provided to these workers who could be exposed to silica dust hazard? *

- Yes
- No
- Not applicable

Comments

15. Is there a system in place to ensure that the respirator masks are checked frequently and worn correctly by workers when they are close to the location of dust generation? *

- Yes
- No
- Not applicable

Comments

The above responses in FORM 2 are all marked 'Not applicable' as its completion did not form part of this workplace visit as was the case with FORM 1.. ¹¹

General comments

Translating and Interpreting Service

Phone: 131 450

Further action

Further action required? *

Yes **No**

Further inspections required? *

Yes **No**

Selecting 'Yes' to the above question will cause a revisit task to be created in your task list

Notices issued *

Yes **No**

Previous notice/s issued?

Yes **No**

Finalisation details

Photos

Other attachments (documents)

WPV for asbestos related issue *

Yes No

Industry group *

Retail Trade

Time finished *

14:00

Disclaimer:

The issues identified during this Inspection are only indicative of compliance with the Work Health and Safety Act 2011, Work Health and Safety Regulation 2011, Dangerous Substance Act 2004 and Workers Compensation Act 1951 on the date of the Inspection. If compliance is identified during this Inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Lead inspector email address *

Stuart.McKenzie@act.gov.au

How many other email addresses would you like to send this to? *

1

Email 1 *

Sch 2.2(a)(ii)

Privacy notice

The information collected for the purpose of the Work Health and Safety Act 2011 and is in accordance with the Information Privacy Act 2014. WorkSafe ACT prevents any unreasonable intrusion into person's privacy in accordance with the Privacy Act 1988 (C'With) and Information Privacy Act 2014. WorkSafe ACT provides identifiable information which can be disclosed to other law enforcement agencies and authorised organisations that have legal authority to request information under prescribed circumstances.

Initial information

Type of report *

Inspector ID *

Inspection number

Lead inspector *

Is there any accompanying inspectors *

 Yes No

Date *

Time commenced *

Type of WPV *

 Proactive Reactive

Legislation *

 Dangerous Goods(Road Transport) ACT 2009 Dangerous Substances Act 2004 Long Service Leave Act 1976 Machinery Act 1949 Scaffolding and Lifts Act 1912 Work Health and Safety Act 2011 Workers Compensation Act 1951

Is this a joint inspection? *

 Yes No

Name of individual or registered company *

Name of individual or registered company *

ABN

ACN

Business or trading name (if different)

ALDI Sotres

15

Registered company address

Address line 1 *

10 Burando Road

Address line 2

Suburb *

Prestons

State *

NSW

Postcode *

2170

Contact name *

Sch 2.2(a)(ii)

Contact number *

62511400

Email address *

Sch 2.2(a)(ii)

Workers compensation

Is a compulsory Workers Compensation Policy maintained? *

- Yes
- No
- Not applicable

Details of inspection

Site/Workplace address

Address line 1 *

Aldi Westfield Shopping Town

Address line 2

Benjamin Way

Suburb *

BELCONNEN

State

ACT

Postcode *

2617

Notification of entry to (as required by s164) *

- PCBU
- Manager
- Supervisor
- HSR
- Other
- N/A

Inspector notes

Shortly after my arrival the temporary store manager Ron identified me at which time I mentioned I wanted the HSR to be in attendance with us.

I explained to [redacted] and [redacted] (Sch 2(a)(iii)) that I wanted to be taken to the area in which the dusty work had been undertaken so I could get a better understanding of what I had already been told.

Following an inspection of the back area where the wall had been moved and a discussion about the general scope of the work, I explained to Ron, the documents I would need to see in due course.

[redacted] made notes of which I received a copy of at the conclusion of the visit. I noted I would contact the area manager [redacted] to follow up.

Form 1 - Workplace visit record/checklist/self-audit tool

HSR *

Activity (i.e. manufacturing composite stone, benchtops, foundries, concrete, bricklaying, tiling etc) *

Number of employees:

Full time

Part time

Casual

Part A: Hazard identification, control and communication

A11 - Are there any workers/ workgroups that are exposed to RCS? (s49 WHS Reg) *

- Yes
- No
- Not applicable

A12 - Have workers been made aware of the hazards of exposure, including health effects to RCS? (s379 WHS Reg) *

- Yes
- No
- Not applicable

A13 - Are Safety Data Sheets for manufactured products containing silica, accessible to workers (e.g. fibre cement products?) (s344 WHS Reg) *

17

- Yes
- No
- Not applicable

A14 - Does the PCBU have personal air monitoring data which confirms its workers are exposed to crystalline silica below the exposure standard of 0.1mg/m₃ (s49 WHS Reg) *

- Yes
- No
- Not applicable

Part B - Engineering and isolation controls - Appendix B

B20 - Is the PCBU relying on engineering and isolation controls to demonstrate compliance with the exposure standard? (s36 & s37 WHS Reg) *

- Yes
- No
- Not applicable

Identify if any of the following plant or equipment are being used on site, then refer to the Quick Guide

- B21 - Stationary masonry saws - Ref a)
- B22 - Handheld power saws (any blade diameter) - Ref b)
- B23 - Handheld power saws -fibre cement (only for blade diameter < 8"and outdoor tasks) - Ref c)
- B24 - Walk-behind saws - Ref d)
- B25 - Impact and rotary hammer drills - Ref g)
- B26 - Jackhammers and handheld powered chipping tools - Ref j)
- B27 - Handheld grinders for mortal removal (tuck pointing) - Ref k)
- B28 - Handheld grinders for uses other than mortar removal - Ref l)
- B29 - Walk behind milling machines and floor grinders - Ref m)
- B30 - Other Equipment - Ref Appendix D
- B31 - Other Equipment - Ref Appendix C
- B32 - Other Equipment

Part C - Respiratory protective equipment (RPE) - Appendix E

C33 - Does the PCBU rely on RPE to control exposures for their workers to below the exposure standard (i.e. 0.1 mg/m₃)? *

- Yes
- No
- Not applicable

Part D - Health Monitoring to 'further information' in the Crystalline Silica Dust Guidance Note

D40 - Is there a significant risk to the health? (i.e. air monitoring indicates exposures approach the WES or engineering and isolation controls are not sufficiently effective) (s368 WHS Reg) *

- Yes
- No
- Not applicable

D41 Has the PCBU arranged health monitoring where there is a significant risk to health? (If notices have been issued to implement controls to significantly reduce the risk to health: answer = N/A) (s368 WHS Reg) * 18

- Yes
- No
- Not applicable

D42 - Is the health monitoring carried out by or under the supervision of a registered medical practitioner (RMP) with experience in health monitoring? (s371 WHS Reg) *

- Yes
- No
- Not applicable

D43 - Has the PCBU provided the RMP with information on the workers tasks, length of exposure and where available, exposure levels? (s373 WHS Reg) *

- Yes
- No
- Not applicable

D44 - Has the PCBU obtained copies of health monitoring reports for its workers? (s374 WHS Reg) *

- Yes
- No
- Not applicable

D45 - Does the PCBU provide copies of health monitoring reports to its workers as soon as practicable, after it obtains a report ? (s375 WHS Reg) *

- Yes
- No
- Not applicable

D46 - Does the PCBU keep health monitoring reports as a confidential record in relation to a worker and for a period of 30 years? (s378 WHS Reg) *

- Yes
- No
- Not applicable

D47 - Have any test results indicated that the worker may have contracted a disease, or illness because of exposure to RCS? (s374 WHS Reg) *

- Yes
- No
- Not applicable

D48 - Has the PCBU reviewed control measures after receiving a report that a worker has suffered an illness/disease or a recommendation from a RMP? (s352 WHS Reg) *

- Yes
- No
- Not applicable

D49 - Has the PCBU provided a copy of a health monitoring report to WorkSafe ACT where any worker has contracted an illness/disease from RCS? (s376 WHS Reg) *

- Yes
- No
- Not applicable

D50 - Has the PCBU provided a copy of a health monitoring report to WorkSafe ACT where the report contains a recommendation for remedial measures including whether a worker can continue to work with RCS? (s 376 WHS R19) *

- Yes
- No
- Not applicable

Inspector notes

The above responses in FORM 1 are all marked 'Not applicable' as its completion did not form part of this workplace visit as will be the case with FORM 2..

Form 2 - Pre-entry requirements & assessment

20

Inspector name

Stuart McKenzie

Inspector ID number

P05543

Date

2019-10-24

Site/Workplace

Address line 1 *

Aldi Westfield Shopping Town

Address line 2

Benjamin Way

Suburb *

BELCONNEN

State

ACT

Postcode *

2617

Individual or registered company details

Name of individual or registered company

Aldi Foods Pty Ltd

Address line 1 *

10 Burando Road

Address line 2

Suburb *

Prestons

State *

NSW

Postcode *

2170

Contact

Sch 2.2(a)(ii)

KEY REQUIREMENTS

Hazardous Chemical Register

You must have a Hazardous Chemicals Register (HCR) readily accessible to the inspector prior to their entry to the workplace the HCR includes each chemical at the workplace however during this visit as a minimum, a list of only products containing Silica accompanied by a current Safety Data Sheet (SDS) will suffice. (WH&S Reg 346)

Assessment for Respirable Silica dust

What actions have you taken to identify any workers or other persons likely to be exposed to respirable silica dust, what control measures have you implemented and maintained to effectively control exposures to workers or other persons prior to WorkSafe ACT's impending visit? Please refer to the questions below;

1. Does a study of SDSs or research about chemical composition of materials used/ handled in the workplace show significant percentage of silica in the materials? *

- Yes
- No
- Not applicable

Comments

2. If dust is generated in either an open space and/or in a closed space like a room or shed then is there any system in place for capturing dust by drawing air through a high efficiency particulate filter (captive ventilation)? * 21

- Yes
- No
- Not applicable

Comments

3. How much total time in minutes or hours in a shift would these workers be spending at the source of the dust generation? *

- Yes
- No
- Not applicable

Comments

4. Has any study or evaluation been done regarding the dust control measures as above? *

- Yes
- No
- Not applicable

Comments

5. Are the dust control measures checked (if so, how?) and maintained regularly? *

- Yes
- No
- Not applicable

Comments

6. Is any other particular class of workers/other persons (such as other contractors, technicians, operators, drivers, members of the public etc) required to come close to the area where dust is generated? *

- Yes
- No
- Not applicable

Comments

22

7. How often in a shift, are these workers/other persons (as identified in 6); required to come close to the location of dust generation? *

- Yes
- No
- Not applicable

Comments

8. How much total time in minutes or hours would these workers/other persons be spending close to the location of dust generation? *

- Yes
- No
- Not applicable

Comments

9. Is there any class of workers (such as maintenance crew), who go into confined/enclosed spaces like silos, mixers sheds etc where dust from high silica content materials may be present? *

- Yes
- No
- Not applicable

Comments

10. Would the activities of the workers as above disturb the dust? *

- Yes
- No
- Not applicable

Comments

11. How often are these workers as above required to be in the confined or enclosed and for what duration each time? *

23

- Yes
- No
- Not applicable

Comments

12. Has any study or evaluation been done regarding the dust control measures as above? (as identified in 9) *

- Yes
- No
- Not applicable

Comments

13. Are the dust control measures checked (if so, how?) and maintained regularly? *

- Yes
- No
- Not applicable

Comments

14. Are there suitable respirator masks provided to these workers who could be exposed to silica dust hazard? *

- Yes
- No
- Not applicable

Comments

15. Is there a system in place to ensure that the respirator masks are checked frequently and worn correctly by workers when they are close to the location of dust generation? *

- Yes
- No
- Not applicable

Comments

The above responses in FORM 2 are all marked 'Not applicable' as its completion did not form part of this workplace visit as was the case with FORM 1.. ²⁴

General comments

Translating and Interpreting Service

Phone: 131 450

Further action

Further action required? *

Yes **No**

Further inspections required? *

Yes **No**

Selecting 'Yes' to the above question will cause a revisit task to be created in your task list

Notices issued *

Yes **No**

Previous notice/s issued?

Yes **No**

Finalisation details

Photos

Other attachments (documents)

WPV for asbestos related issue *

Yes No

Industry group *

Retail Trade

Time finished *

12:40

Disclaimer:

The issues identified during this Inspection are only indicative of compliance with the Work Health and Safety Act 2011, Work Health and Safety Regulation 2011, Dangerous Substance Act 2004 and Workers Compensation Act 1951 on the date of the Inspection. If compliance is identified during this Inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Lead inspector email address *

stuart.mckenzie@act.gov.au

How many other email addresses would you like to send this to? *

1

Email 1 *

Sch 2.2(a)(ii)

Privacy notice

The information collected for the purpose of the Work Health and Safety Act 2011 and is in accordance with the Information Privacy Act 2014. WorkSafe ACT prevents any unreasonable intrusion into person's privacy in accordance with the Privacy Act 1988 (C'With) and Information Privacy Act 2014. WorkSafe ACT provides identifiable information which can be disclosed to other law enforcement agencies and authorised organisations that have legal authority to request information under prescribed circumstances.

Proactive Workplace Visit Record of Engagement - Submission confirmation

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

Date and time

15 Nov 2019 11:42:32 AM

Reference code

D6F83L

AGENCY

ADDRESS
SUBURB STATE POSTCODE

Phone: XX XXXX XXXX

Inspection information

Inspector ID *

P05543

Inspection number

WPV-P05543-VLULMX

CRM number

190925-002260

Lead inspector

Stuart McKenzie

Accompanying inspectors/others

NIL

Date *

31 Oct 2019

Time commenced: *

11:10

Type of WPV: Proactive

Type of WPV: Educational

Legislation *

Work Health and Safety Act 2011

Name of individual or registered company *

Sch 2.2(a)(i) 1

ABN

ACN

Sch 2.2(a)(i) 5

Business or trading name (if different)

Sch 2.2(a)(i) 5

Registered company address

Address line 1 *

Sch 2.2(a)(i) /

28

Address line 2

Suburb *

Sch 2.2(a)(i)a

State *

ACT

Postcode

2617

Contact name *

Sch 2.2(a)(i)

Contact number *

Sch 2.2(a)(i)

Email address

Details of inspection

Site/Workplace address

Address line 1 *

Shop MM06

Address line 2

193 Benjamin Way

Suburb *

BELCONNEN

State

ACT

Postcode *

2617

Notification of entry to (as required by s164) *

- PCBU
- Manager
- Supervisor
- HSR
- Other
- N/A

Inspector notes *

On arrival I explained what I had been told and asked if that was somewhere near the mark. [REDACTED] said it was worse and proceeded to explain the events. 29

[REDACTED] said he had called centre management many times at least once each day and sometimes several times over the duration of the refurbishment work. He closed the shop on one occasion 7pm as opposed to 8pm due to the dust, many meetings had taken place about the issues. A complaint had been submitted through the Aldi online system without any response. Workers had red eyes and there was dust all over the shop. [REDACTED] advised me [REDACTED] was the person (Facility's Manager)? in centre management to speak with. [REDACTED] said he had tried to call WorkSafe but hung up after a long wait online, said he now regrets not holding on. I photographed several areas of residual dust in the shop. [REDACTED] said he would send some photographs he had taken, which he showed me while there and some other information supporting his claim to have notified centre management/Aldi about the issues. [REDACTED] also said that the Westfield cleaners were down wet wiping tiles etc in the area many times per day too. [REDACTED] said he was fed many different excuses but nothing changed. Noise was another issue and he provided ear plugs to check out operators and complained about the noise as well.

Industry group *

Retail Trade

Time finished *

11:30

Your email address *

Stuart.McKenzie@act.gov.au

How many other email addresses would you like to send this to? *

1

Email *

3cn 2.2(a)(ii)

Privacy notice

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Proactive Workplace Visit Record of Engagement - Submission confirmation

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

Date and time

15 Nov 2019 12:43:09 PM

Reference code

P8KQH8

AGENCY

ADDRESS
SUBURB STATE POSTCODE

Phone: XX XXXX XXXX

Inspection information

Inspector ID *

P05543

Inspection number

WPV-P05543-VLULQ6

CRM number

Lead inspector

Stuart McKenzie

Accompanying Inspectors/others

190925-002260

Date *

15 Nov 2019

Time commenced: *

10:20

Type of WPV: Proactive

Type of WPV: Educational

Legislation *

Work Health and Safety Act 2011

Name of individual or registered company *

Sch 2.2(a)(ii)

ABN

ACN

Sch 2.2(a)(ii)

Business or trading name (if different)

Sch 2.2(a)(ii)

Registered company address

Inspector notes *

I called in to gather a number of other relevant details to complete the workplace visit record during which I gave [REDACTED] an update on actions I had taken in relation to the release of silica dust from the Aldi refurbishment works into their shop.

I explained to [REDACTED] how this event was a notifiable incident which should have been reported and remained undisturbed until an inspector advised otherwise.

Industry group *

Retail Trade

Time finished *

10:35

Your email address *

Stuart.McKenzie@act.gov.au

How many other email addresses would you like to send this to? *

1

Email *

[REDACTED]

Privacy notice

The information collected for the purpose of the *Work Health and Safety Act 2011* and is in accordance with the *Information Privacy Act 2014*. WorkSafe ACT prevents any unreasonable intrusion into person's privacy in accordance with the *Privacy Act 1988* (C'Wlth) and *Information Privacy Act 2014*. WorkSafe ACT provides identifiable information which can be disclosed to other law enforcement agencies and authorised organisations that have legal authority to request information under prescribed circumstances.



Report a Workplace Concern or Issue - Submission confirmation

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

Date and time

Reference code

16 Dec 2021 10:22:28 AM

889G6MR9

WorkSafe ACT

PO Box 158
Canberra ACT 2601

Phone: 13 22 81
Email: worksafe@act.gov.au

Report a Workplace Concern or Issue

Concern/issue details

If this matter is a notifiable incident in accordance with sections 35 to 39 of the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulations 2011* please complete the Notifiable Incident Report form (<https://form.act.gov.au/smartforms/landing.htm?formCode=1282>).

WorkSafe category *

Notifiable W H & S incident

Workplace name *

Aldi

Please provide any additional information that may assist WorkSafe ACT in resolving your issue or answering your enquiry (for example: what, when, what you thought was wrong, who was involved) *

Incident Occurred on 14/12/21

Store Assistant was inside a skip bin moving wood and Pallets to make more room and to ensure the skip was not overfilled. As he was coming out of the skip bin his glove slipped off and he fell, in order to break his fall he landed on his left hand. This resulted in a fracture of the left hand.
Call transferred to Worksafe Inspector Jodie Fletcher

Attach an image or other information to support your report or enquiry

Workplace address (if known)

Enter the address or search/mark the location on the map

Address line 1

Jameson Centre, Bowman St

Address line 2

Suburb

MACQUARIE

State

ACT

Postcode

2614

Your contact information

Submit anonymously

Title Given name * Family name *

Sch 2.2(a)(ii)

Provide an email address and/or phone number: +

Phone number

Email

Sch 2.2(a)(ii)

Would you like to receive a response? *

Yes

No

From: Sch 2.2(a)(ii)
Sent: 17/12/2021 5:40 PM
To: "WorkSafe" <WorkSafe@worksafe.act.gov.au>
Cc: Sch 2.2(a)(ii)
Sch 2.2(a)(ii)

Subject: ALDI Stores Pty Ltd - Notifiable Incident Form request
Attachments: image (6).jpg, Notifiable-Incident-Report-Form - Moore.pdf, ALDI Memo - Safe Operation of Equipment.pdf, ALDI Incident Investigation Form - Moore.pdf, smime.p7s

Hello James,

Please find the following attachments for the Notifiable Incident which occurred at the ALDI Macquarie (ACT) store at 10am on 14.12.2021, as per your request.

- Worksafe ACT Notifiable Incident form
- ALDI ACT Incident Investigation form
- Image of waste disposal bin (skip) - please note this was removed from the site on the 14th December 2021, eliminating the hazard
- ALDI memo to staff which is being distributed to all stores in the affected area

Please do not hesitate to reach out to myself if you require anything further.

Warm regards,

Sch 2.2(a)(ii)

This email is sent by ALDI Stores (A Limited Partnership) ABN 90 196 565 019 whose registered address is 1 Sargents Rd, Minchinbury, NSW 2770, Australia. This message including the enclosures is intended exclusively for the recipient(s) stated and can contain privileged, confidential or otherwise protected information. Should you receive this message in error, it is strictly prohibited for you to use, disseminate, forward, print or copy this message. Please inform the sender mentioned above and delete the message received.

 Save paper - think before you print

Is there a time limit for reporting?

Notifiable Incidents must be notified to WorkSafe ACT immediately after the workplace becomes aware that a notifiable incident arising out of the conduct of the business or undertaking has occurred.

If the notification is made by telephone, WorkSafe ACT may require that written notice be provided [using this form, for example] within 48 hours of that requirement being made.

What injuries must you report?

You must send WorkSafe ACT a Notifiable Incident Report if, as a result of a Notifiable Incident at your workplace, involving:

- the death of a person [i.e. a worker or another person]
- a serious injury or illness of a person
- a dangerous incident

in accordance with sections 35 to 39 of the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulations 2011*. It is an offence to fail to make a report of a Notifiable Incident.

You must send WorkSafe ACT a Report even if the person injured or killed is not a worker (e.g. a sales representative or a visitor).

What is a Serious Injury or Illness?

A serious injury or illness means an injury or illness requiring the person to have:

- immediate treatment as an in-patient in a hospital [**Note: it is not necessary that the person was actually sent to or treated as an in-patient, it is sufficient that the injury or illness could reasonably be expected to warrant such treatment**]
- immediate treatment for an amputation, a serious head or eye injury, a serious burn, degloving or scalping, a spinal injury, the loss of a bodily function or serious lacerations
- medical treatment within 48 hours of exposure to a substance.

What dangerous incidents must you report?

A dangerous incident means an incident in relation to a workplace that exposes a worker or any other person to a serious risk to a person's health or safety emanating from an immediate or imminent exposure to:

- an uncontrolled escape, spillage or leakage of a substance
- an uncontrolled implosion, explosion or fire
- an uncontrolled escape of gas, steam or a pressurised substance
- electric shock
- the fall or release from height of any plant, substance or thing
- the collapse, overturning, failure or malfunction of, or damage to, any plant that is required to be authorised for use in accordance with the WHS Regulations 2011
- the collapse or partial collapse of a structure
- the collapse or failure of an excavation or of any shoring supporting an excavation
- the inrush of water, mud or gas in workings, in an underground excavation or tunnel
- the interruption of the main system of ventilation in an underground excavation or tunnel
- any other event prescribed by the WHS Regulations 2011.

Do you have to keep a copy?

You must keep a record of any Notifiable Incident notification that you make to WorkSafe ACT for at least 5 years after the day the notification is given.

Do you need to comply with any other accident report procedures?

You may have reporting obligations under other legislation including but not limited to the: Scaffolding and Lifts Act 1912, Workers Compensation Act 1951, Machinery Act 1949 and/or the Dangerous Substances Act 2004 in relation to the Notifiable Incident that you have told WorkSafe ACT about in this Report.

Can you fax or phone in details?

Yes. When notifying by phone, you should ensure you receive and record the report number given to you by WorkSafe ACT. This report number needs to be kept with your records of the details reported to WorkSafe ACT.

Report No. ALDI's unique identifier is INC-0057819

Details of business or undertaking

Name of business or undertaking:

ALDI Stores Pty Ltd

Phone: 02 8783 3106

Fax: 02 8072 1503

Mobile: 0427 520 287

Email: safety.pre@aldi.com.au

Address of business or undertaking

10 Burando Road

City/Suburb: Sydney

State/Territory: NSW

Post Code: 2170

Details of the injured/involved person:

Sch 2.2(a)(ii)

Details of injury/illness/damage etc and any medical treatment

Injured employee on the 14/12/2021, was inside the skip bin moving wooden pallets placed inside to ensure they stayed below capacity line. Upon exiting the bin the injured employee went to hop over the side and while doing so slipped and fell landing on his left hand.

Injured employee's manager was a witness to the incident and was able to take him to the hospital, Calvary Bruce Hospital. At the hospital he had scans completed which confirmed Fracture of the Left ulna and radius.

Calvary Bruce Hospital referred James to the Orthopaedic Clinic at Canberra Hospital for review of injury and treatment recommendation.

_____ was seen at the Fracture Clinic at Canberra Hospital and scheduled in for surgery.

The diagnosis was a fracture of the left ulna and radius.

_____ was been scheduled in for surgery to occur on 16/12/2021, currently waiting at hospital for day surgery to occur.

Details of the Accident/Incident:

Date of the accident/incident:

Time of the accident/incident:

14/12/2021

10:45am

Witnesses/other involved persons:

Sch 2.2(a)(ii)

Name:

Contact number:

Describe the Accident/Incident: (attach additional information if more space is required)

At 9:50AM Sch 2.2(a)(ii) stacked pallets into a skip bin. At 9:55AM Sch 2.2(a)(ii) was directed by Sch 2.2(a)(ii) to enter the skip bin, in order to stack the pallets to a height for collection. At 10AM Sch 2.2(a)(ii) jumped out of the skip bin, and in the process fell and landed on his wrist. Prior to Sch 2.2(a)(ii) decision to exit the skip, Sch 2.2(a)(ii) had turned away to collect wastage trolleys.

Name of supervisor or person in control of the site/location at the time of the accident/incident:

Sch 2.2(a)(ii)

Address where accident/incident occurred (if at a different location to business address)

Jamison Centre, Bowman St

Suburb: ACT

Post Code: 2814

Where did the incident occur (e.g. plant room, roof)

Outside the back dock

Environment and workplace conditions

Describe the workplace conditions at the time of the accident/incident (e.g. lighting, floor surface, weather, housekeeping etc)

Outside, sunny, dry, 23 degrees

Task and supervision

What task was being performed when the accident/incident occurred?

Sch 2.2(a)(ii) were stacking non-generic wooden pallets into a skip bin for collection.

Sch 2.2(a)(ii) instructed him to get in the bin. Sch 2.2(a)(ii) stepped on a ledge on the side of the bin, before lowering himself in. The purpose of Sch 2.2(a)(ii) entering the bin was to re-stack the pallets to the height of the skip bin to comply with the company rules for collection.

Sch 2.2(a)(ii) was not instructed to get out of the bin. Sch 2.2(a)(ii) turned away to get the wastage trolleys and decided to exit the bin before falling and landed on his wrist.

Plant, Equipment, Tools, Materials and Substances

What plant/substances were being used? (provide details, e.g. model serial number, registration number etc)

10m3 metal skip bin for disposal of waste products.

Risk assessment and where required for high risk construction work, SWMS.

Was a risk assessment undertaken prior to commencing work?

Yes No

If No, please explain why:

ALDI Stores have a Risk Assessment for the disposal of waste, which was conducted prior to this incident. The Risk Assessment does not specifically include the use of skip bins. A corrective action which has been set during the investigation of this incident, is to consult with the National Safety Department on the inclusion of skip bins in the existing Risk Assessment.

Was a safe work method statement (SWMS) prepared if the work was high risk construction work?

Yes No

If No, please explain why:

N/A - Not high risk construction work.

Note: See the *Work Health and Safety Regulations 2011* s.299 for more information.**Outcomes – please complete relevant parts of this section**

Estimated date of resumption of work:

Not applicable - Employee resigned prior to the injury occurring

Action that has been or will be taken to prevent recurrence:

Education of the Executive Manager cohort for Store Operations to ensure a Safety debrief (training and safe use included) is presented to all parties, when a temporary piece of equipment is introduced at one of our sites.

Re-education of the work force to instruct not to enter compactors, bins, or confined spaces.

Details of person completing this form

Sch 2.2(a)(ii)

Clear form

From: [REDACTED] Sch 2.2(a)(ii)
Sent: 06/01/2022 10:29 AM
To: "McGurgan, Leilani" <Leilani.McGurgan@worksafe.act.gov.au>
Subject: RE: Incident
Attachments: IMG_0320.MOV, FW: Job completion Yes - MRN-0014158 - Urgent - Kippax-Holt (PRE013) - Auto Doors External Entry/Exit

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.

Hey [REDACTED]
[REDACTED] is no longer the Store Manager of Kippax so please forward all relevant communications through to me moving forward so they don't get missed.

I sent you an email on 18.11.2021 providing evidence they were fixed. They have been fully operational since.

I am unsure what further action is required. I have also attached a video for you to view showing their fully operational status.

I am confused how someone would become 'stuck' even with an emergency exit button which runs on battery in the event of a blackout.

Is it possible there is a disgruntled customer who is raising these issues as false?

Kind regards,

Sch 2.2(a)(ii)

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 Save paper - think before you print

From: McGurgan, Leilani <Leilani.McGurgan@worksafe.act.gov.au>
Sent: Thursday, 6 January 2022 9:46 AM
To: [REDACTED] Sch 2.2(a)(ii)
Cc: J [REDACTED] Sch 2.2(a)(ii)
Subject: Incident

OFFICIAL

Good morning,

I have had another report come through regarding the doors to which myself and inspector Lauder attended last year.

It has been raised that another member of the public has been caught and stuck in the passage way unable to exit.

Can we please get an update on what you are doing in this area ASAP?

Could it be possible that you use some bollards and caution tape to prevent persons entering?

Please advise.

Kind regards,

Leilani McGurgan | Inspector - General

P: 02 6207 5833 | M: [Sch 2.2\(4\)\(ii\)](#) | E: leilani.mcgurgan@worksafe.act.gov.au

Office of the Work Health and Safety Commissioner

GPO Box 158 Canberra ACT 2601

WORKSAFEACT



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: "smartforms@act.gov.au" <smartforms@act.gov.au>
Sent: 16/12/2021 10:24 AM
To: "WorkSafe" <WorkSafe@worksafe.act.gov.au>
Subject: Report a Workplace Concern or Issue, 889G6MR9, Notifiable W H & S incident
[SEC=UNCLASSIFIED, DLM=Sensitive: Personal]
Attachments: 889G6MR9.pdf

Report a Workplace Concern or Issue

Form data summary

WorkSafe category	Notifiable W H & S incident
Workplace name	Aldi
Reference code	889G6MR9

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

WORK PLACE VISIT REPORT

Initial Information

Inspection Number: 00098217

Lead inspector: Jamie Lauder Inspector ID: 53460

Is there any accompanying inspectors: Yes

Leilani McGurgan

Type of visit: Reactive

Date visit commenced: 16/11/2021

Legislation visit conducted under: WHS

Purpose of visit: Audit

Entity information

Type of entity: Business Entity

Name of individual or registered company: ALDI Stores Pty Ltd

Trading as:

ACN: 901965650

ABN: 90196565019

Industry Group:

Address: 10 Burando Road Prestons ACT 2170

Contact Name:

Contact Number:

Contact Email:

Details of visit

Address: 50-60 Hardwick Crescent, Kippax Holt ACT 2615

Notification of entry to (as required by s164): PCBU

Were any potential breaches of the legislation identified? No

Inspector notes:

About 11:40am on Tuesday the 16th of November 2021, WorkSafe ACT Inspectors Leilani McGURGAN and Jamie LAUDER attended at the ALDI supermarket located at 50-60 Hardwick Street Kippax.

At the location McGURGIN and LAUDER identified themselves as authorised Inspectors under the Work Health and Safety Act 2011 and produced their identification cards to a male who identified himself as the on-duty manager, [REDACTED]

LAUDER detailed to [REDACTED] the reason for WorkSafe ACT attendance, then undertook a general inspection of the location where the following observations were made:

- There were numerous customers and staff present in the store at the time of Inspectors' arrival

- The east facing internal glass automatic emergency sliding doors were secured via a security roller door
- At the front of the internal doors the green door release button was covered by a piece of paper with 'Out of Order' written on it
- Above the internal doors was an illuminated green emergency exit sign
- When the roller door was opened, the external double glass sliding doors were observed to be secured via a piece of wood being jammed behind one of the doors. Sch 2.2(a)(ii) detailed there had been issues with youths forcing the doors open. Between the internal and external doors was pointed out as the area in which the patron became trapped

At this time the ALDI Area Manager, Sch 2.2(a)(ii) attended. Inspector's concerns in regard to the external and internal fire doors being blocked was explained. Sch 2.2(a)(ii) removed the wood from the external doors and the paper covering the internal door access button, allowing access/egress. It was explained to Sch 2.2(a)(ii) a different and safe method would have to be found to secure the external door but also to allow it to be utilised as an emergency exit point. Sch 2.2(a)(ii) was directed the door not be secured in any other way other than in an approved way.

Disclaimer: The issues identified during this inspection are only indicative of compliance with the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2011, the Dangerous Substances Act 2004 and the Workers Compensation Act 1951 on the date of the inspection. If compliance is identified during this inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Previous action

Previous notice/s issued (either written or verbal)? No

Contacts

Lead inspector email address: jamie.lauder@worksafe.act.gov.au

Recipient/s of this form

Sch 2.2(a)(ii)

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From: "smartforms@act.gov.au" <smartforms@act.gov.au>
Sent: 24/05/2022 9:47 AM
To: "WorkSafe" <WorkSafe@worksafe.act.gov.au>
Subject: Report a Workplace Concern or Issue, HRJVFTV2, Dangerous substances
[SEC=UNCLASSIFIED, DLM=Sensitive: Personal]
Attachments: HRJVFTV2.pdf

Report a Workplace Concern or Issue

Form data summary

WorkSafe category	Dangerous substances
Workplace name	Aldi Chisholm
Submit anonymously	true
Reference code	HRJVFTV2

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



Report a Workplace Concern or Issue - Submission confirmation

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

Date and time

Reference code

24 May 2022 9:44:18 AM

HRJVFTV2

WorkSafe ACT

PO Box 158
Canberra ACT 2601

Phone: 13 22 81
Email: worksafe@act.gov.au

Report a Workplace Concern or Issue

Concern/issue details

If this matter is a notifiable incident in accordance with sections 35 to 39 of the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulations 2011* please complete the Notifiable Incident Report form (<https://form.act.gov.au/smartforms/landing.htm?formCode=1282>).

WorkSafe category *

Dangerous substances

Workplace name *

Aldi Chisholm

Please provide any additional information that may assist WorkSafe ACT in resolving your issue or answering your enquiry (for example: what, when, what you thought was wrong, who was involved) *

The shop is undergoing renovations. There is a strong exhaust fume smell inside the store. I raised the issue with the manager, who assured me that ventilation would be increased. I am concerned about the workers in that space all day, and whether there are other toxic fumes present that are odourless.

Attach an image or other information to support your report or enquiry

Workplace address (if known)

Enter the address or search/mark the location on the map

Address line 1

Address line 2

Suburb

State

ACT

Postcode



Your contact information

WORK PLACE VISIT REPORT

Initial Information

Inspection Number: 00143577

Lead inspector: Kurt Kuehl Inspector ID: P53987

Is there any accompanying inspectors: Yes

Emma Hayes 01873

Type of visit: Proactive

Date visit commenced: 29/11/2022

Legislation visit conducted under: WHS

Purpose of visit: Targeted Campaign

Entity information

Type of entity: Business Entity

Name of individual or registered company: ALDI STORES (A LIMITED PARTNERSHIP)

Trading as:

ACN:

ABN: 90196565019

Industry Group: Retail

Address: 10 Burando Road Prestons ACT 2170

Sch 2.2(a)(ii)

Details of visit

Address: Majura Shopping Centre CANBERRA AIRPORT ACT 2609

Notification of entry to (as required by s164): Manager

Were any potential breaches of the legislation identified? No

Inspector notes:

On 30 November 2022 at 0918h, WorkSafe ACT Inspectors Kurt KUEHL and Emma HAYES attended Aldi Majura Park Shopping Centre, 18-26 Spitfire Avenue, Canberra Airport ACT (the workplace). The workplace visit was part of the WorkSafe ACT Christmas Retail campaign.

Inspectors KUEHL and HAYES entered the workplace under the Work Health and Safety Act 2011 (WHS Act). Upon entry, inspectors identified themselves to a person who identified themselves as a Store Manager. They confirmed that ALDI STORES Limited Partnership, ABN 90 196 565 019 is the person conducting a business or undertaking (PCBU) and themselves as an authorised representative of the PCBU.

Approximately 4 workers were observed by Inspector KUEHL at the workplace.

Inspectors asked the Store Manager questions relating to:

- Workplace structure, supervision, and training
- Labour demographics: labour hire, casual and permanent positions, full and part time workers, young workers, Christmas period recruitment
- Measures to manage psychosocial risks including role clarity, role overload and workload monitoring, induction, communication, consultation, worker assistance systems, and monitoring effectiveness of controls.

The Store Manager advised Inspectors KUEHL and HAYES:

- There are 20 workers based in the store, of which managers are full-time, remainder are permanent part time (PPT). Workers are employed directly, with no labour hire, casual or temporary contract workers being used.
- Store-level structure consists of store manager, assistant store manager, permanent shift managers and duty store managers, then store assistants.
- All workers are trained in all areas. Workers move between areas throughout a shift where demand requires to maintain flexible operations.
- Store managers can request from the labour pool of other nearby stores if needed to meet capacity.
- Employee assistance and early intervention physiotherapy programs are in place. Information is displayed prominently.
- Area management is supportive for resourcing and reallocation of labour hours to meet operational requirements. Store managers have input for store independence and agency.
- Managers help store assistants if surge is required by customer demand, but their focus is on administrative duties and monitoring against key performance indicators (KPIs).
- KPIs are set at the store-level; workers are not required to achieve individual targets and managers are responsible for managing workers.
- Store manager undertook a 9 month 'Future Leader' program before promotion. An in-depth training program is in place across all levels of work.
- Staff are encouraged to provide feedback directly to managers, through an anonymous call line, or to area manager for store management issues.
- Two 'mystery shopper' events occur each quarter for compliance checking, including a safety audit.
- Training package incorporates online and in-person elements.
- Injury reporting is completed through the Safety Online platform, incorporates preventative physiotherapy, return to work plans, suitable alternate duties, and reporting of notifiable incidents to WorkSafe ACT.
- Initial induction training is a five day set of shifts designed to train new workers across the different areas
- The Aldi Academy training platform manages training records and alerts for refreshers as required. Each worker has an individual login and the ability to review modules.

Inspectors observed the following at the workplace:

- Workplace is generally clean and tidy with no issues observed in relation to general workplace layout, work areas, flooring, lighting, ventilation, temperature, or services.
- Fire equipment is regularly serviced and in date
- First aid equipment is stocked and sterile items are in date.
- Workers' compensation and injury management information is prominently displayed.
- Health and safety representative list is prominently displayed
- Stretching information and encouragement is displayed to reduce instances of musculoskeletal injury.
- Material handling aids are provided, including pallet jacks, pedestrian-operated 'walkie stackers', and trolleys. Walkie stackers are serviced regularly by the manufacturer. Internal training packages are a combination of online and in-person.
- Emergency and routine procedures (including cleaning and manual handling) are displayed and readily available to workers
- Egress routes are clear and signage is illuminated

- Freezer duress bell is functional
- Electrical equipment, supplied with electricity through an electrical socket outlet, has evidence of electrical testing.
- Mains electrical switchboards have external warning signage and are kept clear.
- Platform ladder is supplied for accessing material at height. Ladders are industrial rated and free from obvious damage.
- Some miscellaneous material was stored on top of the walk-in refrigerator at a height of approximately 2.5 metres. Material was positioned such that a worker may be required to move onto the refrigerator to access. Top of the refrigerator did not have a balustrade or other control to minimise the risk of falling. Inspectors advised the Store Manager to minimise material storage in a manner that may require workers to become exposed to a fall hazard.
- Hazardous chemicals for cleaning. Due to a recent stock delivery, chemicals were inaccessible at the time of the workplace visit.
- Loading dock roller doors are keyed to prevent unauthorised use. Rollers are kept closed to minimise the exposure to fall hazard and maintain security.

Inspectors request copies of the following documents to be sent via email:

- Certificate of currency for workers' compensation policy
- Hazardous chemicals register for the workplace.
- Safety data sheets for onsite hazardous chemicals.

Inspectors took photographs and recorded observations in contemporaneous notebook A10295, page 34 - 38 (KUEHL).

At 1004h the same day, Inspectors KUEHL and HAYES departed the workplace.

Disclaimer: The issues identified during this inspection are only indicative of compliance with the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2011, the Dangerous Substances Act 2004 and the Workers Compensation Act 1951 on the date of the inspection. If compliance is identified during this inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Previous action

Previous notice/s issued (either written or verbal)? No

Contacts

Lead inspector email address: kurt.kuehl@worksafe.act.gov.au

Recipient/s of this form

Email Sch 2, 2(a)(ii)

Email 2:

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From: Sch 2.2(a)(ii)
 To: WorkSafe
 Subject: reporting products
 Date: Wednesday, 26 April 2023 4:53:09 PM
 Attachments: GetCWExternalDocument.pdf

You don't often get email from yan.jason@gmail.com. [Learn why this is important](#)

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. [Learn why this is important](#)

ALDI Deco Style Ceiling White 10L \$49.99 (on sale 11 march 2023 special buys)

The product is aldi branded white ceiling paint. It is labelled "powered by Wattyl"

Was browsing the material safety data sheet and noticed that it had a silica dust compound listed (cristobalite).

Further after comparing it with other msds for Wattyl products, noticed that none of the indoor ceiling paints by Wattyl had this compound; and that only outdoor paints by Wattyl listed this compound.

Concerned the product has been mislabelled by Aldi and that an outdoor paint with silica dust has been allowed to be used indoors as ceiling & house paint.

Might be a problem in the future during renovation or sanding since there is no special labelling on the product.

I have currently repainted an entire property with this paint.

On Wed, 26 Apr 2023 at 12:51, WorkSafe <WorkSafe@worksafe.act.gov.au> wrote:

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> OFFICIAL

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> Good afternoon Sch 2.2(a)(ii)

> Please submit any workplace concern to the below email address:

> worksafe@worksafe.act.gov.au

> Kind Regards

> Baylee Matheson | HR and Corporate Services

> Phone: 02 6207 9627 | Email: baylee.matheson@worksafe.act.gov.au

> Office of the Work Health and Safety Commissioner

> GPO Box 158 Canberra ACT 2601 | www.worksafe.act.gov.au

>
> </mail/u/1/s/?
view=att&th=187bc5125484a31a&attid=0.1&disp=emb&realattid=187bc473ba84ce8e91&zw&atsh=1>

>
>
>
> From: Sch 2.2(a)(ii)
> Sent: Monday, 24 April 2023 4:11 PM
> To: WorkSafe <WorkSafe@worksafe.act.gov.au>
> Subject: reporting products

>
>
> You don't often get email from Sch 2.2(a)(ii) Learn why this is important

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> 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. Learn why this is important

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> Dear worksafe,

>
> can i report concerns about unsafe work products to you?

> -----
> 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: Hadson, Gary
Sent: Wednesday, 31 May 2023 10:27 AM
To: Sch 2.2(a)(ii)
Subject: RE: ALDI Paint

Importance: High

OFFICIAL

Hi [redacted],

I have reviewed your enquiry regarding the Aldi Deco Style ceiling paint, even though it contains cristobalite as stated in the SDS information including listing in the Australian Inventory of Industrial Chemicals CAS No 14464-46-1. The chemical is manufactured in New South Wales and is then governed within that manufacturing state, the labelling of the chemical for the 10L container as supplied by you lists under the heading, safety directions: Keep out of reach of children, with a list of precaution measures including, for the latest information to refer to the safety data sheet on the Aldi Australian web site including a contact number is accessible to any member of the public and I also assessed the SDS information. Due to the chemical being under the requirement level to be classed as a hazardous chemical limit for the application of the paint being under 0.05mg/m³ over an eight-hour time weighted average which is under the Australia Exposure Standards of cristobalite TWA 0.05mg/m³. The paint is then able to be sold domestically to the public with the warnings as attached to the paint tin.

Fell free to call me on

Mobile: Sch 2.2(a)(ii)

From: Sch 2.2(a)(ii)
Sent: 30 May 2023 21:29
To: Hadson, Gary <Gary.Hadson@worksafe.act.gov.au>
Subject: Re: ALDI Paint

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. [Learn why this is important](#)

Hi

FYI i'm Expecting new tenants in the house very soon. Let me know if you envisage issuing any recalls or warnings that might affect this.

On Sunday, 21 May 2023, Sch 2.2(a)(ii) > wrote:
> here's the rest.

>

> On Thursday, 18 May 2023, Sch 2.2(a)(ii) > wrote:

>>

>> This is the best I find for the moment from the internet:



NON-DISTURBANCE NOTICE

This is a Non-Disturbance notice issued under section 198 of the *Work Health and Safety Act 2011*.

Issuing Details

Issued by: Stephen O'Rourke
ID number: P32682
Time and date of service: 27/06/2023
Due Date: 04 July, 2023
Service method: Email
Notice emailed to: Shop AG09

Notice issued to:

Legal name of person/business or undertaking: ALDI STORES (A LIMITED PARTNERSHIP)
ABN: 90196565019
ACN:
Trading As:
Address: 10 Burando Road, Prestons, ACT, 2170

Description:

The inspector believes that it is necessary to issue this notice to facilitate the exercise of his or her compliance powers.

This notice requires you to:

- (b) Prevent the disturbance of a particular site

Brief description of incident:

At 9:00pm, 27 June 2023, ACT Fire Rescue reported a fire at the Canberra Centre, Aldi located at shop AG09, 148 Bunda Street, Canberra City ACT 2601, warehouse / cleaning station area. The fire appeared to have originated from a bluetooth speaker that was on charge in the storage area. There were no workers from the Aldi store at the workplace at the time of the fire and there are no reports of any injured persons. Fire was reported to ACT Fire and Rescue at approximately 8:13pm, 27 June 2023.

The measures to be taken to preserve the site:

Once the premises has been made safe, barricade and prevent access to the incident area and ensure no item, structure (or part of), or other thing, is altered, removed, moved, tampered with or otherwise disturbed.

The site to which this notice relates: (NB. a reference to a site includes any plant, substance, structure or thing associated with the site)

Shop AG09, 148 Bunda Street, Canberra CBD ACT 2601

Aldi Store, Canberra Centre, Shop AG09, 148 Bunda Street, Canberra City ACT 2601, warehouse area and cleaning station extending to any area that was damaged or otherwise affected by the fire incident that occurred on 27 June 2023.

Important information about this notice:

This notice does not prevent any action (s 199(4)):

1. to assist an injured person; or
2. to remove a deceased person; or

3. that is essential to make the site safe or to prevent a further incident; or
4. that is associated with a police investigation
5. for which an inspector has given permission.

You have an obligation to comply with this notice (s 200). A person must not, without reasonable excuse, refuse or fail to comply with a non-disturbance notice issued to the person.

Non-Disturbance Notice - further information:

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom a Non-disturbance notice is issued must comply with the notice (s200). The maximum penalty for failing to comply with this requirement is \$50,000 for an individual or \$250,000 for a corporation.

Issue of subsequent notices by inspector

If an inspector considers it necessary to do so, he or she may issue 1 or more subsequent non-disturbance notices to a person, whether before or after the expiry of the previous notice, each of which must comply with section 199 (s201).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Review of this Notice

A person may apply to the ACT Civil and Administrative Tribunal (ACAT) for review of the decision to issue this notice. Information about how to make that application can be found at www.acat.act.gov.au. The application must be made within 28 days of the issue of the notice. A person who may seek review of issues of this notice may also apply in writing for a statement of reasons under section 22B of the ACAT Act 2008 within 28 days of the notice being given. The decision to issue this notice is also reviewable under the Administrative Decisions (Judicial Review) Act 1989 on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450

WORKPLACE VISIT REPORT

Initial Information

Inspection Number: 00165450
Lead Inspector: Kurt Kuehl
Inspector ID: P53987
Lead inspector email address: kurt.kuehl@worksafe.act.gov.au
Is there any accompanying inspectors? Yes
David West: P57269
Date visit commenced: 27 June, 2023
Legislation visit conducted under: WHS

Entity Information

Type of entity: Business Entity
Name of individual or registered company: ALDI STORES (A LIMITED PARTNERSHIP)
Trading as:
ACN:
ABN: 90196565019
Industry Group: Retail
Address: 10 Burando Road Prestons ACT 2170
Contact Name: **SECRET**
Contact Number: **SECRET**
Contact Email:

Details of Visit:

Address: Shop AG09, 148 Bunda Street Canberra CBD ACT 2601
Notification of entry to (as required by s164): Manager

Inspector Notes:

On 28 June 2023 at about 0845h, WorkSafe ACT Inspector Kurt KUEHL assisted by David WEST attended Aldi Canberra Centre at Bunda Street, Canberra ACT (the workplace). The workplace visit followed a notifiable incident (uncontrolled fire at the workplace) which occurred on 27 June 2023.

KUEHL and WEST entered the workplace under the Work Health and Safety Act 2011 (WHS Act). Upon entry, inspectors identified themselves to a person who identified themselves as an Area Manager. They confirmed that Aldi Stores is the person conducting a business or undertaking (PCBU) and themselves as an authorised representative of the PCBU.

The Area Manager advised KUEHL and WEST:

- Fire appears to have originated from a Bauhn Portable Party Speaker. Speaker is not supplied by the PCBU to workers but is a product sold by the PCBU to customers.
- The speaker had been turned off by staff and unplugged before ending their shift. Speaker is portable and fitted with a battery.
- Based on the product code, the original sale date for the fire-affected speaker was on or about 1 February 2023.

Inspectors observed the following at the workplace:

- Main customer door is shut with a temporary closure notice for customers.
- Fire equipment was regularly serviced, last tested March 2023.
- Fire door was not obstructed.
- Electrical equipment, including the charger for the fire-damaged speaker, has evidence of electrical testing. Speaker charger was last tested 11 May 2023.
- Box for the speaker, displaying PLU 17930, Model APPS-1121, Aldi Product Code 707400, date 11/2021.
- Electronic pallet jacks near the fire scene have been tagged out of use by the Area Manager. Area Manager advised these would be reinspected by a competent person before next use.
- ACT Fire & Rescue incident handover form number 005824, incident 009033. Details are consistent with account provided by Area Manager.

KUEHL requested to see the security footage from the incident. Footage is consistent with the account of events provided by the Area Manager.

At 0905h, KUEHL released the scene from preservation. Non-disturbance Notice N-0000007973 is no longer in effect.

KUEHL took photographs and recorded observations in contemporaneous notebook A10328, page 38-40. No Notices are issued following this visit.

At about 0911h the same day, KUEHL and WEST departed the workplace.

Disclaimer: The issues identified during this inspection are only indicative of compliance with the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2011, the Dangerous Substances Act 2004 and the Workers Compensation Act 1951 on the date of the inspection. If compliance is identified during this inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Previous Action

Previous notice/s issued (either written or verbal)?

Recipient/s of this form:

Email: Sch. 2.2(e)(ii) a

Email 2:

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Initial information

Type of report *

Workplace Visit

Inspector ID *

P05772

Inspection number

WPV-P05772-TWIQUU

Event number

180723-001714

Lead inspector *

harsh puri

Is there any accompanying inspectors *

Yes No

Date *

10 Aug 2018

Time commenced *

11:30

Type of WPV *

Proactive Reactive

Purpose of WPV *

Complaint

Legislation *

Work Health and Safety Act 2011

Is this a joint inspection? *

Yes No

Name of individual or registered company *

Other

Name of individual or registered company *

Coles Supermarkets Australia Pty Ltd

ABN

ACN

004189708

Business or trading name (if different)

Registered company address

Address line 1 *

800 Toorak Road

59

Address line 2

Suburb *

Hawthorn East

State *

VIC

Postcode *

3123

Sch 2.2(a)(ii)

Workers compensation

Is a compulsory Workers Compensation Policy maintained? *

- Yes
- No
- Not applicable

Details of inspection

Site/Workplace address

Address line 1 *

Coles Supermarket

Address line 2

Corner of Franklin and Flinders Way

Suburb *

GRIFFITH

State

ACT

Postcode *

2603

Notification of entry to (as required by s164) *

- PCBU
- Manager
- Supervisor
- HSR
- Other
- N/A

1. Visited Coles Manuka and met [Sch 2 2(a)(i)] the Store Manager.
2. I asked her about the incident pertaining to [Sch 2 2(a)(i)] who slipped in the fresh produce section. She said to me that she was aware of the incident but was not there on that particular day. She then called [Sch 2 2(a)(i)] the Store Support Manager who told me that he was there in the store that day and knew about the incident.
3. [Sch 2 2(a)(i)] told me that the lady slipped on a leek leaf or a cabbage leaf. There was an announcement on public address system of code blue so he attended the spot to provide her first aid. However the lady declined any first aid and said she was fine. Then she continued her shopping.
4. [Sch 2 2(a)(i)] showed me the aisle between the first two rows of tables where the lady had slipped. I noted that there were rubber backed carpet mats placed all along the aisle near second row of tables, and one single mat near the first row of table. On asking [Sch 2 2(a)(i)] told me that the mats were there at the time of the incident.
5. Then [Sch 2 2(a)(i)] told me that the procedure was to have mats in all areas where there is a risk of leaves or stuff falling on the floor to cause a slip hazard. Coles staff know by experience where to place mats.
6. In addition to this staff continually monitor these areas and pick up fallen leaves, seeds, fruits or vegetables from the floor.
7. On asking [Sch 2 2(a)(i)] told me that they have approximately four thousand customers going through the store every day. On weekends it could be more - up to six thousand. This incident took place after 320 days without any incident. And she could not recall as to how long back was the last slipping incident. [Sch 2 2(a)(i)] believed that slipping incidents were rare.
8. I advised [Sch 2 2(a)(i)] to put a couple of small waste bins in the fresh produce area so that people could dispose of seeds of fruits safely in case they sample any.

Further action

Further action required? *

Yes

No

Previous notice/s issued?

Yes

No

Finalisation details

Photos

WPV for asbestos related issue *

Yes No

Industry group *

Retail Trade

Time finished *

12:00

Disclaimer:

The issues identified during this Inspection are only indicative of compliance with the Work Health and Safety Act 2011, Work Health and Safety Regulation 2011, Dangerous Substance Act 2004 and Workers Compensation Act 1951 on the date of the Inspection. If compliance is identified during this Inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Lead inspector email address *

harsh.puri@act.gov.au

How many other email addresses would you like to send this to? *

1

Email 1 *

Sch 3.2(a)(ii)

Privacy notice

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Initial information

Type of report *

Workplace Visit

Inspector ID *

P05778

Inspection number

WPV-P05778-VKMVTB

Event number

190806-001869

Lead inspector *

Brett Mckie

Is there any accompanying inspectors *

 Yes No

Item Number 1

Accompanying inspector/Other *

Tamera Teer

Date *

05 Sep 2019

Time commenced *

13:15

Type of WPV *

 Proactive Reactive

Purpose of WPV *

Complaint

Legislation *

Work Health and Safety Act 2011

Is this a joint inspection? *

 Yes No

Name of individual or registered company *

Other

Name of individual or registered company *

Coles Waniassa

ABN

45004189708

ACN

Business or trading name (if different)

63

Registered company address

Address line 1 *

Address line 2

Suburb *

State *

Postcode *

Workers compensation

Is a compulsory Workers Compensation Policy maintained? *

- Yes
- No
- Not applicable

Details of inspection

Site/Workplace address

Same as registered address

Notification of entry to (as required by s164) *

- PCBU
- Manager
- Supervisor
- HSR
- Other
- N/A

Inspector notes

On 5 October 2019 at 1:15pm, Inspectors Teer and McKie met with [redacted] at Coles in Waniassa. Inspectors explained purpose of visit - Re: Complaint about evacuation alarm. 64

[redacted] called the store manager - [redacted] who explained the fire drill was a false alarm.

As [redacted] was not available on site, Inspector Teer asked that he email supporting documents by COB 6 Oct 2019.

As per our conversation I am requesting the following supporting documentation:

Fire Safety Plan
Evacuation Plan
Roles and Responsibilities
How often are fire tests carried out?
Are all staff trained?

If you could please provide these documents to me by COB 6 Sep 2019.

Further action

Further action required? *

Yes No

Previous notice/s issued?

Yes No

Finalisation details

Photos

Other attachments (documents)

WPV for asbestos related issue *

Yes No

Industry group *

Retail Trade

Time finished *

15:45

Disclaimer:

The issues identified during this Inspection are only indicative of compliance with the Work Health and Safety Act 2011, Work Health and Safety Regulation 2011, Dangerous Substance Act 2004 and Workers Compensation Act 1951 on the date of the Inspection. If compliance is identified during this Inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Lead inspector email address *

Brett.Mckie@act.gov.au

How many other email addresses would you like to send this to? *

2

Email 1 *

Sch 2.2(a)(ii)

Email 2 *

temara.teer@act.gov.au

Privacy notice

The information collected for the purpose of the Work Health and Safety Act 2011 and is in accordance with the Information Privacy Act 2014. WorkSafe ACT prevents any unreasonable intrusion into person's privacy in accordance with the Privacy Act 1988 (C'With) and Information Privacy Act 2014. WorkSafe ACT provides identifiable information which can be disclosed to other law enforcement agencies and authorised organisations that have legal authority to request information under prescribed circumstances.



Report a Workplace Concern or Issue - Submission confirmation

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

Date and time

Reference code

06 Jul 2021 12:36:20 PM

26C8VMV6

WorkSafe ACT

PO Box 158
Canberra ACT 2601

Phone: 13 22 81
Email: worksafe@act.gov.au

Report a Workplace Concern or Issue

Concern/issue details

If this matter is a notifiable incident in accordance with sections 35 to 39 of the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulations 2011* please complete the Notifiable Incident Report form (<https://form.act.gov.au/smartforms/landing.htm?formCode=1282>).

WorkSafe category *

Workplace health and safety complaint

Workplace name *

Coles Supermarket Amaroo village

Please provide any additional information that may assist WorkSafe ACT in resolving your issue or answering your enquiry (for example: what, when, what you thought was wrong, who was involved) *

We have no readily available or easily accessible drinking water at our store. Management is refusing to provide us with mugs or cups (disposable or reusable). No bottled water is available either or it is available sporadically.

Management is refusing to provide us with Cutlery, crockery and utensils with which to eat our meals (disposable or reusable).

Attach an image or other information to support your report or enquiry

[PXL_20210706_005302419.jpg](#)

Workplace address (if known)

Enter the address or search/mark the location on the map

Address line 1

11 PIONEER ST

Address line 2

Suburb

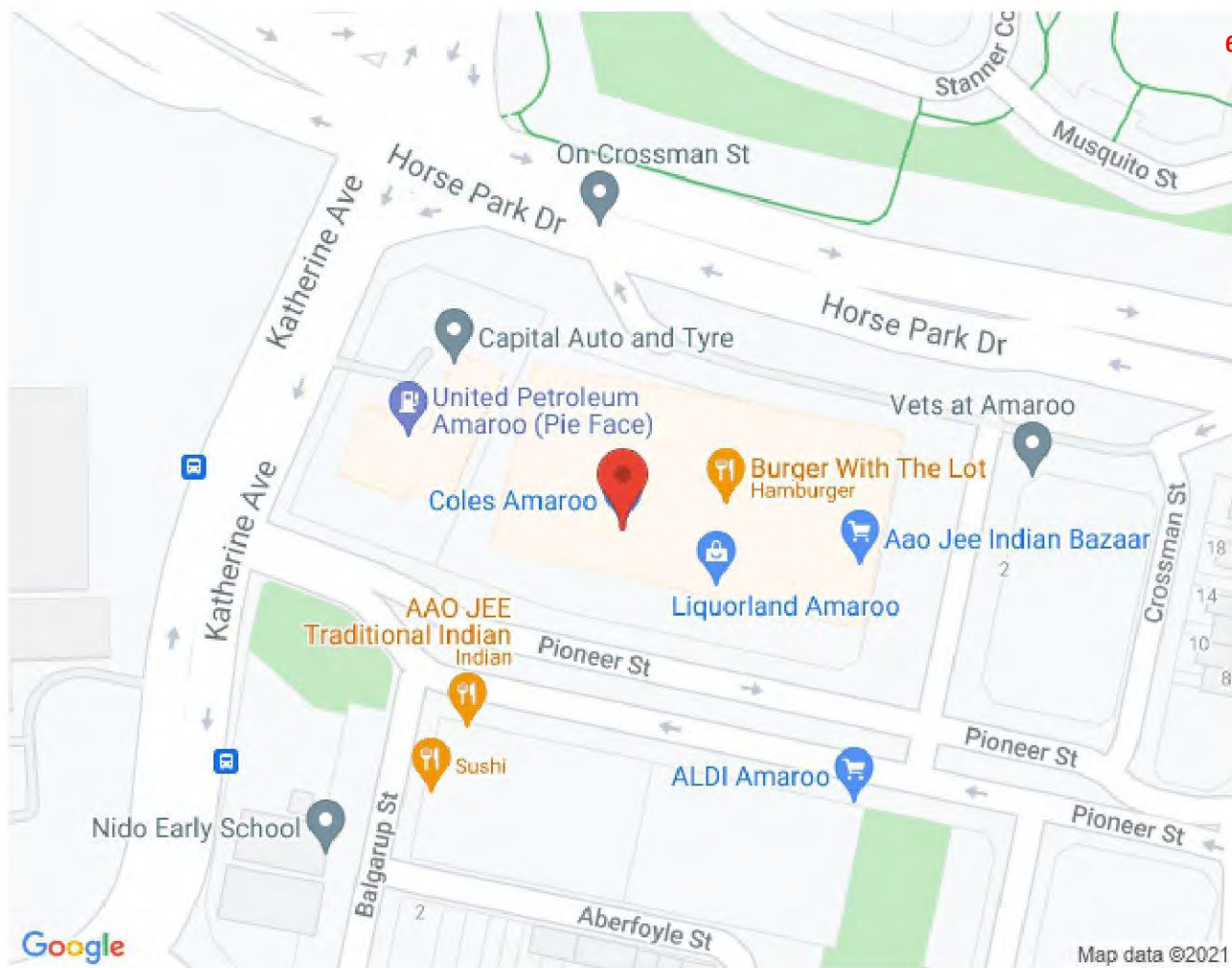
AMAROO

State

ACT

Postcode

2914



Your contact information

Submit anonymously

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000001157

Issued By: Andrew WOOLGAR ID number: P39355

To whom this notice is issued

Name of registered company or Name of individual: COLES SUPERMARKETS AUSTRALIA PTY LTD

ABN: 45004189708 ACN: 004189708

Site/workplace: 800 Toorak Road Hawthorn East VIC 3123

Location within address of workplace: Coles Amaroo 11 Pioneer Street Amaroo

Served on **Scott & Glenn** Method of service: Email Date of issue: 13/04/2021

Due date to remedy the contravention or likely contravention: 27/04/2021

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Regulations** Section number - **42**

Briefly, how the provision is being, or has been, contravened:

The first aid kit at the loading dock had out-of-date eye wash which could expose workers to risk of injury is used in emergency.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

You must ensure the first aid equipment provided at the workplace is inspected by a competent person to ensure it is safe for use in cases of emergency

The inspector recommends that you:

WorkSafe ACT codes of practice 'First aid in the workplace' and 'Managing the work environment and facilities'

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom a Improvement notice is issued must comply with the notice (s197). The maximum penalty for failing to comply with this requirement is \$100,000 for an individual or \$500,000 for a corporation.

Regulator may carry out action

If a person to whom a Improvement notice is issued fails to take reasonable steps to comply with the notice, and after giving written notice of its intentions and the persons liability for the costs, the regulator (WorkSafe ACT) may take any remedial action it believes reasonable to make the workplace or situation safe (s 211). The regulator may then recover the reasonable costs of taking this remedial action (s213).

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: [Worksafe @act.gov.au](mailto:Worksafe@act.gov.au)

Phone: (02) 6207 3000

Fax:(02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

2021 Retail Campaign

Date: <i>12/4/21</i>	Time: <i>910</i>
Sales Force Case:	
Inspector/s: <i>Woolgar / Fletcher</i>	
Company Name:	ABN: <i>45004189708</i>
Trading As: <i>Colis Amaro</i>	ACN:
Registered Address:	Postcode:
Site Address: <i>11 Pioneer St Amaro</i>	Postcode:
Sch 2.2(a)(ii)	
Workers Compensation:	

Comments:

-> First Aid equip
27/4/21

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Report a Workplace Concern or Issue - Submission confirmation

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

Date and time

Reference code

06 May 2021 9:59:52 AM

QTKFWWJ2

WorkSafe ACT

PO Box 158
Canberra ACT 2601

Phone: 13 22 81
Email: worksafe@act.gov.au

Report a Workplace Concern or Issue

Concern/issue details

If this matter is a notifiable incident in accordance with sections 35 to 39 of the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulations 2011* please complete the Notifiable Incident Report form (<https://form.act.gov.au/smartforms/landing.htm?formCode=1282>).

WorkSafe category *

Workplace health and safety complaint

Workplace name *

Coles Supermarket- Amaroo

Please provide any additional information that may assist WorkSafe ACT in resolving your issue or answering your enquiry (for example: what, when, what you thought was wrong, who was involved) *

Thomas wanted an update on 2 worksafe inquiry's he has submitted through the Access Canberra portal but has not yet received a response-The request was regarding Coles supermarket Amaroo blocking isles and restocking shelves throughout the day when customers are in store, this is happening on an on going basis. Thomas believes that this is dangerous and a potential risk to the public. Thomas asked for a call back to discuss further.

Attach an image or other information to support your report or enquiry

Workplace address (if known)

Enter the address or search/mark the location on the map

Address line 1

Address line 2

Suburb

State

ACT

Postcode

Your contact information

Submit anonymously

Title Given name * Family name *

Sch 2.2(a)(ii)

would you like to receive a response? *

Yes

No

WORK PLACE VISIT REPORT

Initial Information

Inspection Number: 00045221

Lead inspector: Andrew WOOLGAR Inspector ID: P39355

Is there any accompanying inspectors: Yes

Jodie FLETCHER

P05554

Jodie FLETCHER

P05554

Type of visit: Proactive

Date of visit: 20/01/2021

Legislation visit conducted under: WHS

Purpose of visit: Audit

Entity information

Type of entity: Business Entity

Name of individual or registered company: COLES SUPERMARKETS AUSTRALIA PTY LTD

Trading as:

ACN: 004189708

ABN: 45004189708

Industry Group: Retail

Address: Hawthorn East VIC 3123

Sch 2.2(a)(ii)

Details of visit

Address: Greenway 2900

Notification of entry to (as required by s164): PCBU

Were any potential breaches of the legislation identified? Yes

Containing and managing spills (CI 357(1))

Inspector notes:

On the 20/01/2021 at 13:00 Inspectors Woolgar and Fletcher undertook a site visit at Coles Supermarket Tuggeranong to complete an Retail Compliance Campaign Audit. Met with Sch 2.2(a)(ii) manager and observation and discussions revealed:

- A range of Work Health and Safety Policies and Procedures are available and workers are trained in these policies and procedures
- Hazardous chemicals used within the workplace have been identified
- There is poor spill containment system to minimise the risk of hazardous chemical leaks/ spills in the different storage areas
- Systems and processes have been developed and implemented to identify and manage worker's mental

health whilst at work

Informec [REDACTED] an Improvement Notice is recommended to ensure appropriate hazardous chemical spill containment system is developed and implemented to to manage and/or contain spills and leaks by the 03/02/2021

Disclaimer: The issues identified during this inspection are only indicative of compliance with the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2011, the Dangerous Substances Act 2004 and the Workers Compensation Act 1951 on the date of the inspection. If compliance is identified during this inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Further action

Further action required: Yes

Previous notice/s issued (either written or verbal)?

Contacts

Lead inspector email address: andrew.woolgar@act.gov.au

Recipient/s of this form

Email: [REDACTED] Sch 2.2(a)(ii)

Email 2:

Privacy Notice: The information collected for the purpose of the Work Health and Safety Act 2011 and is in accordance with the Information Privacy Act 2014. WorkSafe ACT prevents any unreasonable intrusion into person's privacy in accordance with the Privacy Act 1988 (C'Wlth) and Information Privacy Act 2014. WorkSafe ACT provides identifiable information which can be disclosed to other law enforcement agencies and authorised organisation that have legal authority to request information under prescribed circumstances.

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000000550

Issued By: Andrew WOOLGAR ID number: P39355

To whom this notice is issued

Name of registered company or Name of individual: COLES SUPERMARKETS AUSTRALIA PTY LTD

ABN: 45004189708 ACN: 004189708

Site/workplace: Southpoint Anketell St. & Reed St N, Greenway 2900

Location within address of workplace: Hazardous chemical storage areas

Served on: [REDACTED] Method of service: Email Date of issue: 21/01/2021

Due date to remedy the contravention or likely contravention: 03/02/2021

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Regulations** Section number - **357(1)**

Briefly, how the provision is being, or has been, contravened:

A person conducting a business or undertaking at a workplace failed to ensure, so far as is reasonably practicable, that where there was a risk from a spill or leak of a hazardous chemical in a solid or liquid form in hazardous chemical storage areas, provision was made in each part of the workplace where the hazardous chemical was used, handled, generated or stored for a spill containment system that contains within the workplace any part of the hazardous chemical that spills or leaks, and any resulting effluent.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

A person conducting a business or undertaking at a workplace must ensure, so far as is reasonably practicable, that where there is a risk from a spill or leak of a hazardous chemical in a solid or liquid form in hazardous chemical storage areas, provision is made in each part of the workplace where the hazardous chemical is used, handled, generated or stored for a spill containment system that contains within the workplace any part of the hazardous chemical that spills or leaks, and any resulting effluent

The inspector recommends that you:

National Code of Practice 'Managing Risk of Hazardous Chemicals in the Workplace.'

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom a Improvement notice is issued must comply with the notice (s197). The maximum penalty for failing to comply with this requirement is \$100,000 for an individual or \$500,000 for a corporation.

Regulator may carry out action

If a person to whom a Improvement notice is issued fails to take reasonable steps to comply with the notice, and after giving written notice of its intentions and the persons liability for the costs, the regulator (WorkSafe ACT) may take any remedial action it believes reasonable to make the workplace or situation safe (s 211). The regulator may then recover the reasonable costs of taking this remedial action (s213).

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email:

worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at

www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: Worksafe@act.gov.au

Phone: (02) 6207 3000

Fax:(02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000002413

Issued By: Leilani McGurgan ID number:

To whom this notice is issued

Name of registered company or Name of individual: COLES SUPERMARKETS AUSTRALIA PTY LTD

ABN: 45004189708 ACN: 004189708

Site/workplace: Westfield shopping centre, Kellie Street Phillip ACT 2606

Location within address of workplace:

Served on: Method of service: Email Date of issue: 13/12/2021

Due date to remedy the contravention or likely contravention: 17/12/2021

Description

The inspector believes the person:

- a) is contravening a provision of this Act, or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Regulations** Section number - 39

Briefly, how the provision is being, or has been, contravened:

On the 0/12/2021 at 10:39 AM, I attended at COLES SUPERMARKET, WESTFIELD WODEN at Kellie Street, Phillip 2606, in company with fellow Worksafe ACT inspector Brett MCKIE.

We attended at the location in order to conduct a workplace inspection in regard to a workplace health and safety complaint.

MCKIE and myself met with **Sch 2.2(a)(ii)** where prior to conducting the inspection we outlined the reason for our attendance and produced our WorkSafe inspector identification cards.

Sch 2.2(a)(ii) with myself and MCKIE undertook a compliance assessment of the workplace.

During the inspection the following was observed:

- Unable to access training register
- Unable to access emergency plans and procedures
- Unable to access chemical register
- Staff safety board outdated providing information of team members no longer employed

Discussions with **Sch 2.2(a)(ii)** revealed that while acting as a store manager, he had not had the required training and information provided to be able to do the job role.

As a result **Sch 2.2(a)(ii)** was informed that an Improvement Notice may be issued.

The scene was photographed, and observations recorded. Approximately 11:26 AM, myself and MCKIE left this location with further information to be provided to WORKSAFE following conversations had on site with **Sch 2.2(a)(ii)**

This above information has provided me with the information in which I have formed a reasonable belief that an activity may occur at this worksite which if it did occur, would involve a serious risk to the health and safety of a person emanating from an immediate or imminent exposure to that hazard being:

WHS Regulation -39 Provision of information, training and instruction
WHS Act - Section 19

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

You must provide information, training, instruction or supervision that is needed to protect all persons from health and safety risks that may arise from the work carried out by the business or undertaking.

Additionally, you must ensure that information, training and instruction provided to a worker is suitable and adequate having regard to the nature of the work carried out by the worker, the nature of the risks associated with the work at the time the information, training or instruction is provided and the control measures implemented.

When this direction has been completed contact the Inspector who issued this notice who will determine compliance.

The inspector recommends that you:

Refer to:

- WHS Act Section 19 - Primary duty of care
- WHS Regulation 39 - Provision of information, training and instruction
- Work Health and Safety (Managing the Work Environment and Facilities Code of Practice) Approval 2020

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

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Review of this *Work Health and Safety Act* notice

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A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email:

worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at

www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: Worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450



Report a Workplace Concern or Issue - Submission confirmation

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

Date and time

Reference code

22 Mar 2021 11:12:19 AM

TD2X59YS

WorkSafe ACT

PO Box 158
Canberra ACT 2601

Phone: 13 22 81
Email: worksafe@act.gov.au

Report a Workplace Concern or Issue

Concern/issue details

If this matter is a notifiable incident in accordance with sections 35 to 39 of the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulations 2011* please complete the Notifiable Incident Report form (<https://form.act.gov.au/smartforms/landing.htm?formCode=1282>).

WorkSafe category *

Workplace health and safety complaint

Workplace name *

Coles Supermarket Amaroo

Please provide any additional information that may assist WorkSafe ACT in resolving your issue or answering your enquiry (for example: what, when, what you thought was wrong, who was involved) *

Hi There

I am hoping you will be able to assist me, which could include informing me of additional avenues I could forward my complaint too.

My wife and I are a 60+ couple who do a weekly shop at the Coles Supermarket in Amaroo, generally early on a Saturday or Sunday, within the first two hours of the store opening, to avoid the rush (although on occasion we may visit during the day). We have done so since the store first opened. We spend in excess of \$10k per annum on groceries at this store, given the convenience to our home.

The safety issue that has emerged and continues, despite providing feedback/complaint to Coles via their online system, telephoning their helpline, the store and speaking to two assistant managers (the manager is never available) over several months, is the presence of numerous trolleys, up to 2m high, and weighing in excess of 100kg each, that clog the aisles and/or are being unpacked onto shelves, as standard practice for several hours, during normal customer opening hours. The store is not customer ready, even after 2 hours of opening, and there is no signage indicating any dangers ie presence of heavy equipment and goods, with pallet trucks and trolleys blocking aisles and access to shelves; and staff, up to six or seven at a time, carrying heavy boxes in a around customers. It's unsafe, dangerous, inconvenient and a bad customer experience. It's only a question of time before an accident involving either a customer or staff member occurs. To date, Coles despite my interaction over several months, described above, which has been difficult to achieve, has not addressed the issue. In talking to the assistant manager on Sunday, another client overheard my conversation, and fully agreed with me. So there are other people who recognise the dangers and inconvenience, I have included some photographs (as I have documented the issue over time) to illustrate my point. What do you recommend I do, or who can assist, in making sure Coles address the issue of providing a safe customer environment by either packing outside of opening hours, or doing so in a manner that is safe both for customers and employees and does not distract from a good customer experience? This should include signage indicating the store is not fully customer ready. Many thanks

1E96D3F5-C6D7-40FB-9527-A2EF95EAD2DD.jpeg

41D45B8D-B234-40E0-979D-E6BD8ABC440C.jpeg

10D7C80C-A3E3-4898-AF6F-43E39C0C1CB6.jpeg

983BBEF5-34AE-4148-B57A-EACF47D7569C.jpeg

Workplace address (if known)

Enter the address or search/mark the location on the map

Address line 1

Address line 2

Suburb

State

Postcode



Your contact information

Submit anonymously

Title

Given name *

Family name *

82

Sch 2.2(a)(ii)

Would you like to receive a response? *

Yes No

Preferred contact method *

Phone Email

WORK PLACE VISIT REPORT

Initial Information

Inspection Number: 00045221

Lead inspector: Andrew WOOLGAR Inspector ID: P39355

Is there any accompanying inspectors: Yes

Jodie FLETCHER

P05554

Jodie FLETCHER

P05554

Type of visit: Proactive

Date of visit: 20/01/2021

Legislation visit conducted under: WHS

Purpose of visit: Audit

Entity information

Type of entity: Business Entity

Name of individual or registered company: COLES SUPERMARKETS AUSTRALIA PTY LTD

Trading as:

ACN: 004189708

ABN: 45004189708

Industry Group: Retail

Address: Hawthorn East VIC 3123

Sch 2.2(a)(ii)

Details of visit

Address: Greenway 2900

Notification of entry to (as required by s164): PCBU

Were any potential breaches of the legislation identified? Yes

Containing and managing spills (CI 357(1))

Inspector notes:

On the 20/01/2021 at 13:00 Inspectors Woolgar and Fletcher undertook a site visit at Coles Supermarket Tuggeranong to complete an Retail Compliance Campaign Audit. Met with Sch 2.2(a)(ii) Manager and observation and discussions revealed:

- A range of Work Health and Safety Policies and Procedures are available and workers are trained in these policies and procedures
- Hazardous chemicals used within the workplace have been identified
- There is poor spill containment system to minimise the risk of hazardous chemical leaks/ spills in the different storage areas
- Systems and processes have been developed and implemented to identify and manage worker's mental

health whilst at work

Informec [REDACTED] an Improvement Notice is recommended to ensure appropriate hazardous chemical spill containment system is developed and implemented to to manage and/or contain spills and leaks by the 03/02/2021

Disclaimer: The issues identified during this inspection are only indicative of compliance with the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2011, the Dangerous Substances Act 2004 and the Workers Compensation Act 1951 on the date of the inspection. If compliance is identified during this inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Further action

Further action required: Yes

Previous notice/s issued (either written or verbal)?

Contacts

Lead inspector email address: andrew.woolgar@act.gov.au

Recipient/s of this form

Email: [REDACTED] Sch 2.2(a)(ii)

Email 2:

Privacy Notice: The information collected for the purpose of the Work Health and Safety Act 2011 and is in accordance with the Information Privacy Act 2014. WorkSafe ACT prevents any unreasonable intrusion into person's privacy in accordance with the Privacy Act 1988 (C'Wlth) and Information Privacy Act 2014. WorkSafe ACT provides identifiable information which can be disclosed to other law enforcement agencies and authorised organisation that have legal authority to request information under prescribed circumstances.

WORK PLACE VISIT REPORT

Initial Information

Inspection Number: 00100573

Lead inspector: Leilani McGurgan Inspector ID:

Is there any accompanying inspectors: Yes

Brett MCKIE

P05778

Type of visit: Proactive

Date visit commenced: 06/12/2021

Legislation visit conducted under: WHS

Purpose of visit: Audit

Entity information

Type of entity: Business Entity

Name of individual or registered company: COLES SUPERMARKETS AUSTRALIA PTY LTD

Trading as:

ACN: 004189708

ABN: 45004189708

Industry Group: Retail

Address: 800 Toorak Road Hawthorn East VIC 3123

Contact Name:

Sch 2.2(a)(ii)

Contact Number:

Contact Email:

Details of visit

Address: Westfield shopping centre, Keltie Street Phillip ACT 2606

Notification of entry to (as required by s164): PCBU

Were any potential breaches of the legislation identified? No

Inspector notes:

On 7th December 2021 at approximately 10:39 AM WorkSafe ACT Inspectors Leilani MCGURGAN and Brett MCKIE attended Coles Supermarket Westfield Woden, Keltie Street, Phillip 2606 .

At that location, WorkSafe ACT Inspectors spoke to Sch 2.2(a)(iii) (Assisting store manager).

WorkSafe ACT Inspectors were provided with a tour of the facility and the work tasks undertaken by staff.

Areas of the workplace inspected included:

- All office areas
- Deli area
- Loading dock
- Freezer rooms

- Staff lunchroom

Discussions were also held with staff working at Coles.

The worksite was photographed, and observations recorded.

WorkSafe ACT Inspector Leilani MCGURGAN informed **Sch 2 2(a)(iii)** that a review of the information will be conducted.

At approximately 11:26 AM WorkSafe ACT Inspectors left this location.

Disclaimer: The issues identified during this inspection are only indicative of compliance with the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2011, the Dangerous Substances Act 2004 and the Workers Compensation Act 1951 on the date of the inspection. If compliance is identified during this inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Previous action

Previous notice/s issued (either written or verbal)? No

Contacts

Lead inspector email address: leilani.mcgurgan@act.gov.au

Recipient/s of this form

Email:

Email 2:

Privacy Notice: The information collected for the purpose of the Work Health and Safety Act 2011 and is in accordance with the Information Privacy Act 2014. WorkSafe ACT prevents any unreasonable intrusion into person's privacy in accordance with the Privacy Act 1988 (C'Wlth) and Information Privacy Act 2014. WorkSafe ACT provides identifiable information which can be disclosed to other law enforcement agencies and authorised organisation that have legal authority to request information under prescribed circumstances.



Report a Workplace Concern or Issue - Submission confirmation

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

Date and time

Reference code

20 Apr 2021 1:32:29 PM

YSR9PGSH

WorkSafe ACT

PO Box 158
Canberra ACT 2601

Phone: 13 22 81
Email: worksafe@act.gov.au

Report a Workplace Concern or Issue

Concern/issue details

If this matter is a notifiable incident in accordance with sections 35 to 39 of the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulations 2011* please complete the Notifiable Incident Report form (<https://form.act.gov.au/smartforms/landing.htm?formCode=1282>).

WorkSafe category *

Notifiable W H & S incident

Workplace name *

Coles - Wanniasa

Please provide any additional information that may assist WorkSafe ACT in resolving your issue or answering your enquiry (for example: what, when, what you thought was wrong, who was involved) *

Customer slipped 18/04/21 on some water and fell, taken to the hospital via ambulance. Customer had torn tendons in her shoulder, and will be undergoing shoulder re-construction.
Transferred through to [REDACTED]

Attach an image or other information to support your report or enquiry

Workplace address (if known)

Enter the address or search/mark the location on the map

Address line 1

SHOPS 12 SANGSTER PL

Address line 2

Suburb

WANNIASSA

State

ACT

Postcode

2903

Your contact information

Sch 2.2(a)(ii)

Would you like to receive a response? *

- Yes No

Preferred contact method *

- Phone Email



NOTIFICATION OF INCIDENT FORM

Incident Number 00249511

Firstly tell us if you notified WorkSafe ACT by phone of this incident? Yes

When did you notify? 09/11/2022

Your name:

Your mobile number:

Who did you speak to in WorkSafe?

Incident Type Dangerous Incident

Dangerous Incident The fall or release from a height of any plant substance or thing

Date of incident: 09/11/2022

Time of incident: 12:30 PM

Address of incident:

Bowman St, Macquarie ACT 2614 -

Describe the incident and sequence of events (include any plant or equipment involved):

Customer was shopping in the assisted checkout area and a ceiling tile/panel has fallen and struck the customer on the head, resulting in bruising to the head and minor abrasions to the arm. The customer received first aid and required no further medical treatment. The identified cause of the incident was an upgrade to the registers the previous week (Wednesday/Thursday) when a contractor accessed the ceiling to install the registers. The ceiling panel was likely not repositioned correctly at the conclusion of the works. The remaining ceiling tiles were inspected by a builder following the incident to determine any further risk. No further risk was identified, and no other ceiling tiles needed to be removed. The area was preserved at the time of the incident and isolated from team members and customer. We will be engaging with our contractors as a part of our investigation and develop corrective actions to prevent a reoccurrence.

Did the incident involve dangerous substances?

No

Entity Type: Business Entity

Entity Name: Coles Supermarket

ACN: 004189708

ABN: 45004189708

Address Details:

Bowman St, Macquarie ACT 2614 -

Added Injured / Ill Person

Title	DOB	Address	Phone	Relationship	Received Treatment	Admitted to Hospital
Sch 2.2(a)(ii)				Injured Person		

What actions have been taken to immediately rectify the problem?

First Aid Provided to Customer Area Isolated and cordoned off. Contractor/Builder reviewed ceiling space to determine the area was safe.

What actions are planned to be taken long term to prevent a similar incident?

Engage with contractor to determine the cause of the fallen tile. Toolbox talk with contractor that access ceiling and roof spaces at Coles.

Details of person completing this form:

Sch 2.2(a)(ii)

Contact person for further enquiries (if not person completing this form):

Sch 2.2(a)(ii)

PSYCHOLOGICAL HAZARD COMPLAINT FORM

Before contacting WorkSafe ACT, check [here](#) as to whether we are the right agency to contact.

Steps should be taken to have the safety issue resolved in the workplace before submitting a complaint to WorkSafe ACT.

These steps may include:

- speaking to your supervisor or manager
- speaking with your health and safety representative
- speaking to your union representative
- or following the grievance process of your workplace if available.

If the above actions are not appropriate or do not resolve the issue, a complaint can be lodged with WorkSafe ACT with the below form or by calling **(02) 6207 3000** (select option **1** and then option **2**).

If you require a translator or interpreter, you can contact us through the [Translating and Interpreter Service](#) (TIS) [13 14 50](#).

If you are deaf, or have a hearing impairment or speech impairment, call [13 36 77](#) and then ask for 13 22 81 or visit www.relayservice.gov.au to make an internet relay or captioned relay call.

Speak and Listen users' phone [1300 555 727](#) and then ask for 13 22 81.

Internet relay users connect to the [NRS](#) and then ask for 13 22 81.

Once you submit your form, you will be contacted by a WorkSafe ACT Inspector within 5 business days to discuss your complaint.

We understand that these situations leading to a complaint can be a stressful, however please try to remain calm when dealing with our staff, as they are doing their best to ensure all complaints are assessed and actioned appropriately.

- **Access Mental Health** provides free 24/7 service for assessment and treatment of mentally ill people in crisis situations. Phone 1800 629 354 or 6205 1065
- **Lifeline** has a 24/7 counselling service providing emotional support in times of crisis. Phone [13 11 14](#)
- **Mental Health Line** can connect you with a mental health professional. Phone: [1800 011 511](#)
- **Headspace** is a national youth mental health foundation that helps young people between 12-25 who are going through a tough time. Phone [\(02\) 9114 4100](#)
- [Find a health service, seek health advice or information](#)

If you are in an emergency and need immediate support call 000.

WHAT YOU CAN EXPECT FROM US

Your complaint will be managed in accordance with [WorkSafe ACT's response service standards](#).

WorkSafe ACT's role is to ensure that the employer and employees meet their obligations under the *Work Health and Safety Act 2011*. WorkSafe ACT does not advocate for an individual, become involved in the details of a workplace conflict, provide legal advice, mediate between persons involved, secure an apology, compensation, or removal of an alleged bully from the workplace.

* Mandatory field

1. Do you work in the ACT or volunteer in the ACT? *

Employees of the Federal Government and these [organisations](#) will need to contact Comcare 1300 366 979 or (02) 6276 0333.

Answer options: YES NO

WorkSafe ACT is the regulator for workplaces within the ACT. You may need to contact another agency, for example SafeWork NSW - 13 10 50 if you live in the ACT, but you work in NSW.

TELL US ABOUT YOUR COMPLAINT

2. Does your concern relate to workplace bullying? *

Workplace bullying is **repeated unreasonable behaviour** directed towards a worker or group of workers that creates a risk to health and safety.

Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.

Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.

Examples of workplace bullying include –

- Abusive or offensive language or comments
- Aggressive and intimidating behaviour
- Belittling or humiliating comments
- Practical jokes or initiation
- Unjustified criticism or complaints.

The following are **not** examples of workplace bullying –

- Differences of opinion and disagreements are also generally not workplace bullying
- Unreasonable behaviour may involve unlawful discrimination or sexual harassment, which in isolation is not workplace bullying. Discrimination on the basis of a protected trait in employment may be unlawful under anti-discrimination, equal employment opportunity, workplace relations and human rights laws.
- Managers who are responsible for monitoring the quality and timeliness of work and providing staff with feedback on their performance.

For more information on work related bullying visit our [bullying webpage](#)

Answer options: YES NO

(If you selected NO, skip to question 3)

Please describe two bullying incidents/events in the workplace*

In this section, you can include what happened, where it happened, who was involved or even details around the decision that has been made which has caused you to be disappointed. Anything that you think will help us to understand where you have felt let down in the process.

Please attach any documents, emails, text messages etc that support your examples.

Were there any witnesses? (please ensure they are aware you have made a complaint and that they may be contacted by WorkSafe ACT) Please include their names.

What is the issue/ complaint you wish to raise with WorkSafe ACT?

- Abusive, insulting, offensive, belittling, or humiliating language/comments, unjustified criticism or complaints
- Denying access to information, supervision, consultation or resources to the detriment of the worker
- Deliberately excluding someone from work related activities
- Unreasonable lack of job control or lack of role clarity

- Changing work arrangements such as rosters or leave, to deliberately cause inconvenience
- Ongoing and insufficient organisational justice or support
- Changes to the workplace without sufficient consultation or warning
- Spreading misinformation or malicious rumours.
- Practical jokes or initiation
- Unreasonable job demands
- Fatigue management

3. Does the concern you wish to raise involve violence, aggression, intimidation (including threats)? *

Answer options: YES NO

If you select YES, Please also contact the Federal Police 131 444

4. Does the workplace have any of the following? *

- | | | | |
|---------------------------------------|---|-----------------------------|---------------------------------|
| Workplace behaviour/harassment policy | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> UNSURE |
| Incident/hazard reporting procedures | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> UNSURE |
| Workplace grievance policy/procedure | <input checked="" type="checkbox"/> YES | <input type="checkbox"/> NO | <input type="checkbox"/> UNSURE |

Date when you first became aware of the issue you are raising

20/08/22

Date the issue was last apparent to you (if reporting on behalf of an individual or group)

25/11/22

5. Have you raised your workplace issue at your workplace? *

Answer options: YES NO

If you select YES, please also answer the following:

Person reported to and their position:

Store Manager - [REDACTED]

What was the outcome?

No resolution but was aware of the ongoing untenable work load/conditions

DETAILS OF BUSINESS OR UNDERTAKING DIRECTLY ASSOCIATED WITH WORK HEALTH AND SAFETY ISSUES

Legal Name

Coles Supermarket

Trading Name*

Coles Supermarket Amaroo

ABN

Numeric, no spaces

ACN

Numeric, no spaces

Business Address

Shop Number

Building

Street Number

Street*

Horse Park

Street Type*

Drive

Suburb/Locality*

Amaroo

Country
Australia

Telephone

Sch 2.2(a)(ii)

Main Business Activity* Example: house construction, clothing retail, fruit and vegetable wholesaling, electrical service

Details of location in the workplace where the issue/ complaint you wish to raise*

Address where issues were identified

Same as Business Address (Click check-box to automatically fill from Business Address above.)

Shop number _____ Building _____

Street Number _____

Street _____

Street Type _____

Suburb/Locality _____

Location Description E.g. storeroom, warehouse, kitchen, timber yard loading dock

Does the workplace have a Health and Safety Representative (HSR)? *

Answer options: YES NO **If YES, please answer the following:**

Surname

First Name

Other Names

Telephone

E-mail Address

Are you aware of any other agencies that are involved in resolving the issue or have you contacted any other agencies e.g. unions, Fair Work Commission?

Answer options: YES NO

TELL US ABOUT YOU

Your confidentiality is important. We will only use your contact details to respond to you and won't share these details with anyone else without gaining your consent.

You may choose to raise a complaint anonymously. However, this would mean it will not be possible to seek further information from you or provide you with feedback or information in relation to the complaint.

If you wish to remain anonymous, please leave these fields blank.

Title:

Given Name:

Family Name:

Contact Details *(one required)*

Email:

A copy of the complaint will be e-mailed to this address, if provided.

Work phone:

Home phone:

Mobile:

Postal Address

Street/PO Box:

Suburb:

State:

Postcode:

Position at Workplace*

Are you: (select)

- Apprentice
- Young Worker (under 26)
- New to workplace
- Older worker (over 65)
- Person with English as a second language

Status:

- Full time
- Part time
- Casual

Are you still in the workplace?

Answer options: YES NO

If you answered NO, what was the date you last attended work?

26/11/2022

Are you the person or persons being affected by the issues you are raising with us?*

Answer options: YES NO

If you answered NO, please provide the contact details of the person being affected.

Are the person/s you're raising the complaint for under the age of 25?

Answer options: YES NO

Are they from a non-English speaking background?Answer options: YES NOIf you selected YES, please answer the following:**Do they require a translator or interpreter?**Answer options: YES NO

Do you approve WorkSafe ACT making the parties aware that the issue has been raised by you?* (In some circumstances, remaining anonymous may limit our scope for action. Also, it is possible that the parties will make assumptions about who has raised the issue with us.)

Answer options: YES NO**HOW CAN WE CONTACT YOU?**

A WorkSafe ACT representative will contact you in relation to your complaint if you choose. Please enter the details in how you would like us to connect with you.

Preferred Contact Method*: *(required)*

- Phone
 Email
 Letter
 No further contact required

Preferred Contact Time:

- None
 Anytime
 Morning
 Afternoon

Comments:

Please advise if you require special needs services or other assistance to facilitate communication with WorkSafe ACT, for example, the National Relay Service if you are hearing or speech impaired or an interpreter if English is a second language.

Do you require special needs services for a call back?

Answer options: YES NO

If yes, nominate a service:

PRIVACY STATEMENT

WorkSafe ACT will assess what action to take in response to this request based on the information that is provided. Action may include a phone call, letter, or visit to the person conducting the business or undertaking (the place to which the issue relates or the place from which the relevant person generally conducts their business or undertaking).

The action taken will depend on whether you have given approval for the issue to be raised with the person/s conducting the business or undertaking to which your issue relates.

Inspectors are required to be transparent with duty holders and other workplace parties about why inspection work is occurring. Unless consent is provided (next section), WorkSafe ACT will not disclose your identity and/or specific information that may identify you as making a complaint. However, depending on the nature of the complaint and other factors such as the size of the business, it is possible that parties may make assumptions from the enquiries made by the inspector that you have raised an issue with WorkSafe ACT.

CONSENT TO DISCLOSE INFORMATION WHEN CONTACTING A THIRD PARTY

For the purposes of investigating your complaint, WorkSafe ACT may need to contact a third party, including the person or body you may have complaints about. Do you agree to allow WorkSafe ACT to contact them and to disclose personal information (including your identity) and any relevant health information pertaining to your complaint that may be necessary to allow us to fully investigate your concerns?*(required)

Answer options:

YES

NO- I wish to discuss this further with WorkSafe ACT before making a decision

PSYCHOLOGICAL HAZARD COMPLAINT FORM

END OF FORM – SUBMISSION PAGE

Once you have filled out this form, please save and email to
worksafe@worksafe.act.gov.au



Report a Workplace Concern or Issue - Submission confirmation

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

Date and time

Reference code

08 Dec 2022 1:55:29 PM

W7L6GX74

WorkSafe ACT

PO Box 158
Canberra ACT 2601

Phone: 13 22 81
Email: worksafe@act.gov.au

Report a Workplace Concern or Issue

Concern/issue details

If this matter is a notifiable incident in accordance with sections 35 to 39 of the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulations 2011* please complete the Notifiable Incident Report form (<https://form.act.gov.au/smartforms/landing.htm?formCode=1282>).

WorkSafe category *

Workplace health and safety complaint

Workplace name *

Coles Gungahlin

Please provide any additional information that may assist WorkSafe ACT in resolving your issue or answering your enquiry (for example: what, when, what you thought was wrong, who was involved) *

Overstock and cages blocking emergency exits throughout rear of loading dock and workplace. Site concern

Attach an image or other information to support your report or enquiry

Workplace address (if known)

Enter the address or search/mark the location on the map

Address line 1

SHOP 1 5 HIBBERSON ST

Address line 2

Suburb

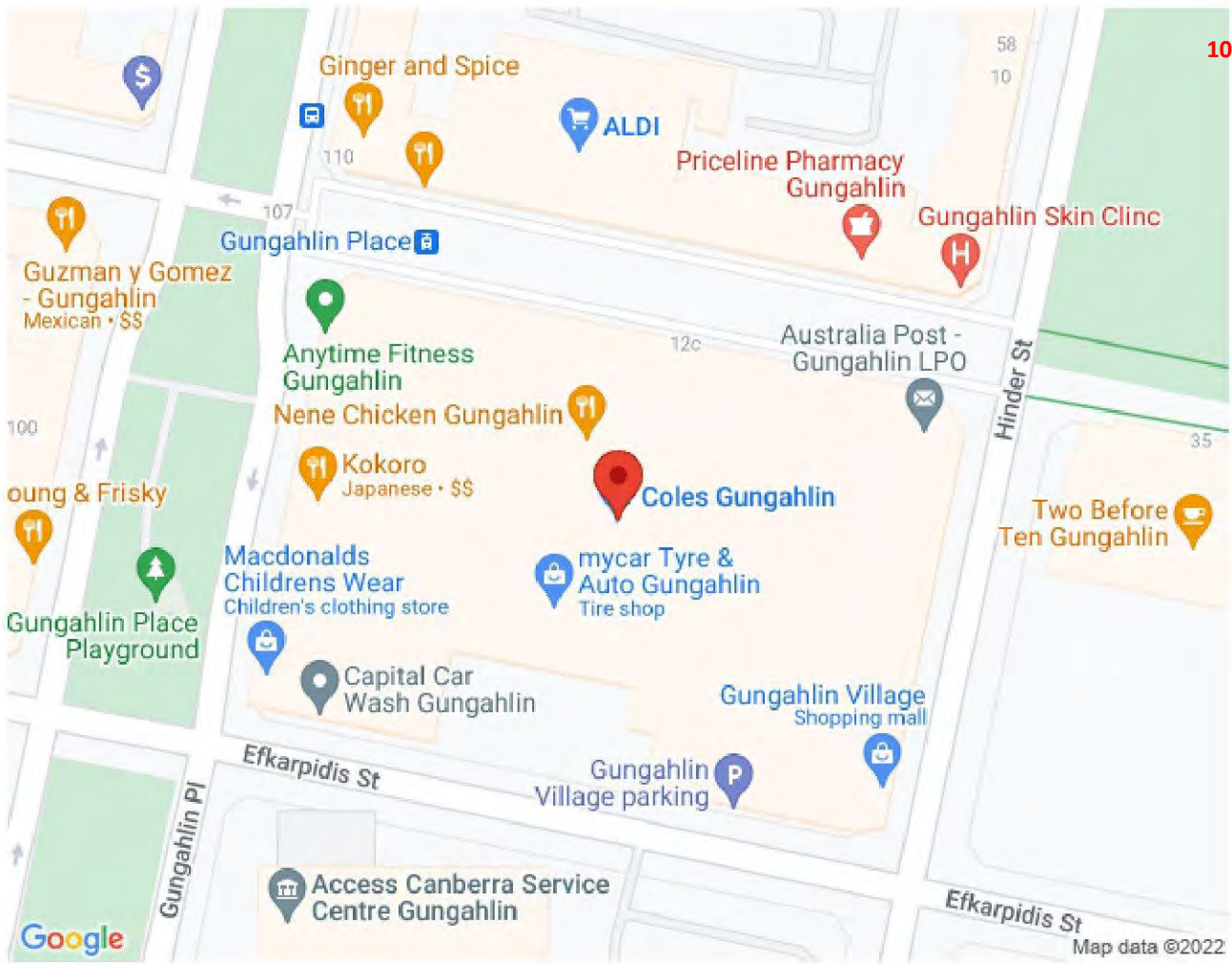
GUNGAHLIN

State

ACT

Postcode

2912



Your contact information

Submit anonymously

WORKPLACE VISIT REPORT

Initial Information

Inspection Number: 00151546
Lead Inspector: Stephen O'Rourke
Inspector ID:
Lead inspector email address: stephen.o'rourke@act.gov.au
Is there any accompanying inspectors? Yes

Jenny Nguyen

Date visit commenced: 31/01/2023
Legislation visit conducted under: WHS
Purpose of visit: Psychological hazards

Entity Information

Type of entity: Business Entity
Name of individual or registered company: COLES SUPERMARKETS AUSTRALIA PTY LTD
Trading as:
ACN: 004189708
ABN: 45004189708
Industry Group: Retail
Address: 800 Toorak Road Hawthorn East VIC 3123

Contact Name: Coles Amaroo
Contact Number: 0262230500
Contact Email:

Details of Visit:

Address: 800 Toorak Road Hawthorn East VIC 3123
Notification of entry to (as required by s164): PCBU

Inspector Notes:

On 31 January 2023 at 3:15pm, WorkSafe ACT Inspectors Stephen O'Rourke and Jenny Nguyen, attended Coles Amaroo at Horse Park Dr, Amaroo ACT for the purpose of undertaking an inspection regarding psychosocial safety concerns.

Upon arrival, Inspector O'Rourke and Nguyen identified themselves as Inspectors from WorkSafe ACT and advised that WorkSafe ACT had received a complaint in relation to psychosocial hazards in the workplace at Coles Amaroo. During the workplace visit, Inspectors met with Sch 2.2(a)(ii), Acting Store Manager.

Enquiries undertaken during the inspection included the following topic areas:

Key senior management

- Acting Store Manager - Sch 2.2(a)(ii)
- Former Store Manager Sch 2.2(a)(ii)

Overview of Business

- Coles Amaroo store has been operating since 2017
- Approximately 113 workers directly employed by the workplace.
- 6 workers are employed on a full-time basis (on a salary), 5 workers are employed on full-time basis (non-salary), remaining workers are employed on a casual and part-time basis.
- The workforce includes vulnerable workers (including young workers under 24 years old and workers from non-english speaking backgrounds).
- Some workers have been with Coles stores for 15-20 years.
- Workers leave the workplace to commence work following graduating university etc or to move interstate.
- Workers that have not worked or provided their availability from more than 13 weeks can have their employment terminated following receiving several written notifications from the workplace.
- 8 workers have left the workplace in the past 12 months.
- Workers that leave the workplace are provided an opportunity to give feedback to the workplace about their time at the workplace and the reason they left.

Safe systems of work

Through conversations with inspectors, the Store Manager provided the following information:

Induction process:

- New workers undertake online induction process prior to commencing at the workplace which takes approximately 3 hours.
- During first 3 shifts, new workers are supervised and provided on-the-job training by the relevant department manager or another experienced worker.
- Workers are provided position descriptions outlining the requirements and tasks of their respective position.
- Workers are provided access to the online employee platform which provides access to:
 - Coles Code of Conduct
 - Bullying and Harassment policy
 - Grievance policy

Incident, hazard risk management and reporting:

- Workers report work health and safety incidents in an incident register / logbook.
- Workers report any injuries in an injury register / logbook.
- Department Managers working hours are limited to prevent worker burnout and role overload.
- Work Health and Safety Committee undertake monthly meetings to discuss and raise any WHS issues, meeting minutes are maintained.
- Workplace undertakes monthly iAuditor checklists inspecting WHS items within the workplace.

- Comprehensive work health and safety inspections are conducted at the workplace bi-annually.
- Workers are required to undertake on-going training modules online, including refresher training.
- Regional Manager attends the workplace regularly and workers can raise any WHS issues or grievances to the Regional Manager if they choose to.
- Workplace conducts anonymous worker surveys each year.

Grievance policy / procedure:

- Workplace provided an example of a workplace grievance that demonstrated safe system of work, this being:
 - A worker (department manager) in the workplace raised concerns about staffing and workload.
 - The workplace provided additional staffing resources to the worker to assist with their workload.
 - The workplace also provided worker guidance and supervision by an experienced co-worker from another Coles Store.
 - The workplace facilitated a meeting between the worker with relevant department managers of other Coles stores to share information, knowledge and experiences.
 - The workplace provided the worker an opportunity to discuss performance development strategies, such as additional training etc, with the Regional Manager.

Follow up

Inspectors advised that WorkSafe ACT would provide Coles Amaroo a workplace visit report following the inspection and would request further materials, including:

- Induction checklist / register
- Risk register / risk management plan
- Code of Conduct
- Staff handbook
- Grievance policy and procedure

The workplace visit concluded, and inspectors vacated the premises at approximately 5:00pm, 31 January 2023.

Disclaimer: The issues identified during this inspection are only indicative of compliance with the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2011, the Dangerous Substances Act 2004 and the Workers Compensation Act 1951 on the date of the inspection. If compliance is identified during this inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Previous Action

Previous notice/s issued (either written or verbal)? No

Recipient/s of this form:

Email: (S) (2) (3) (1) .

Email 2:

Privacy Notice: The information collected for the purpose of the Work Health and Safety Act 2011 and is in accordance with the Information Privacy Act 2014. WorkSafe ACT prevents any unreasonable intrusion into person's privacy in accordance with the Privacy Act 1988 (C'With) and Information Privacy Act 2014. WorkSafe ACT provides identifiable information which can be disclosed to other law enforcement agencies and authorised organisation that have legal authority to request information under prescribed circumstances.



WORKPLACE VISIT REPORT

Initial Information

Inspection Number: 00162678
Lead Inspector: Jodie Fletcher
Inspector ID: P05554
Lead inspector email address: jodie.fletcher@worksafe.act.gov.au
Is there any accompanying inspectors? Yes
Kurt Kuehl P53987
Date visit commenced: 30 May, 2023
Legislation visit conducted under: WHS

Entity Information

Type of entity: Business Entity
Name of individual or registered company: Coles Supermarket
Trading as:
ACN: 004189708
ABN: 45004189708
Industry Group: Retail
Address: Bowman St Macquarie ACT 2614
Contact Name: Sch 2.2(a)(ii)
Contact Number: Sch 2.2(a)(ii)
Contact Email: Sch 2.2(a)(ii)

Details of Visit:

Address: Keltie Street PHILLIP ACT 2606
Notification of entry to (as required by s164): PCBU



Inspector Notes:

On 30 May 2023 at 11:23 am Inspectors Fletcher and Kuehl attended Coles Supermarket located at Woden Plaza, Corinna Street Phillip ACT to follow up on a notifiable incident that occurred on 13 May 2023.

WorkSafe ACT Inspectors identified themselves as authorised Inspectors under the Work Health and Safety Act 2011 and explained the purpose of the visit.

Inspectors met with the store manager who advised the following:

- Customer states the incident occurred in front of the salad section
- Assistant Manager believes incident occurred in front of the eggs as that is where the customer was when he arrived to assist
- No leaf matter or evidence of avocado in either area
- No CCTV in either area
- Internal investigation report has been completed - copy email to Inspector Fletcher
- Believe customer is now taking legal action
- Store have meetings "huddle" every morning and are reminded to check floors and pick up any items/litter etc

Notes entered into notebook A10325.

Inspectors left premises at 11:40 am.

Disclaimer: The issues identified during this inspection are only indicative of compliance with the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2011, the Dangerous Substances Act 2004 and the Workers Compensation Act 1951 on the date of the inspection. If compliance is identified during this inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Previous Action

Previous notice/s issued (either written or verbal)? No

Recipient/s of this form:

Email: Sch 2.2(a)(ii)

Email 2:

Privacy Notice: The information collected for the purpose of the Work Health and Safety Act 2011 and is in accordance with the Information Privacy Act 2014. WorkSafe ACT prevents any unreasonable intrusion into person's privacy in accordance with the Privacy Act 1988 (C'With) and Information Privacy Act 2014. WorkSafe ACT provides identifiable information which can be disclosed to other law enforcement agencies and authorised organisation that have legal authority to request information under prescribed circumstances.

WORKPLACE VISIT REPORT

Initial Information

Inspection Number: 00168472
Lead Inspector: Ali MazharHayat
Inspector ID: P21119
Lead inspector email address: ali.mazharhayat@worksafe.act.gov.au
Is there any accompanying inspectors? Yes
David West
Date visit commenced: 24 July, 2023
Legislation visit conducted under: WHS

Entity Information

Type of entity: Business Entity
Name of individual or registered company: Coles Supermarkets Australia Pty Ltd
Trading as: Coles Supermarket
ACN: 004189708
ABN: 45004189708
Industry Group: Retail
Address: Bowman St Macquarie ACT 2614
Contact Name: Coles Supermarkets Australia Pty Ltd
Contact Number: 0261234500
Contact Email: Shop@coles.com.au

Details of Visit:

Address: Coles Gungahlin Gungahlin ACT 2912
Notification of entry to (as required by s164): PCBU

Inspector Notes:

On the 24 July 2023 at approximately 10:50 am, WorkSafe ACT Inspectors Hayat assisted by West entered the business known as Coles Supermarket Gungahlin. This business was operating at Gungahlin Pl, Gungahlin ACT 2912.

WorkSafe ACT Inspectors Hayat and West identified themselves as WorkSafe ACT inspectors and explained the purpose of the visit.

Upon entry Inspectors met with the Store Manager and had a discussion regarding an issue where a customer slipped in the store while shopping. Inspectors then noted the following:

- Inspectors were advised that the any spill on the floor is a top priority for the workers and they always display the 'caution wet and slippery' signage after cleaning the spill.
- Inspectors were advised that the Coles services cleans their floor every day, which includes vacuuming and mopping.
- Inspectors observed the cleaning equipment available for the workers and found no issues.
- Inspectors noted the lay out of the workplace aisles which had enough space for walking and were also observed to be clean.
- Inspectors observed the roll cages that are used to refill the stock in shelves were all kept in the storage dock area.

Photographs were taken to support observations and notes were entered into the notebook A10317.

On the 24 July 2023 at approximately 11:05 am, WorkSafe ACT Inspectors Hayat and West left this location.

Disclaimer: The issues identified during this inspection are only indicative of compliance with the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2011, the Dangerous Substances Act 2004 and the Workers Compensation Act 1951 on the date of the inspection. If compliance is identified during this inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Previous Action

Previous notice/s issued (either written or verbal)?

Recipient/s of this form:

Email: [REDACTED]

Email 2: david.west@worksafe.act.gov.au

Privacy Notice: The information collected for the purpose of the Work Health and Safety Act 2011 and is in accordance with the Information Privacy Act 2014. WorkSafe ACT prevents any unreasonable intrusion into person's privacy in accordance with the Privacy Act 1988 (C'Wth) and Information Privacy Act 2014. WorkSafe ACT provides identifiable information which can be disclosed to other law enforcement agencies and authorised organisation that have legal authority to request information under prescribed circumstances.

NOTIFICATION OF INCIDENT FORM

Incident Number 00275938

Firstly tell us if you notified WorkSafe ACT by phone of this incident? Yes

When did you notify? 02/02/2023

Your name:

Your mobile number:

Who did you speak to in WorkSafe?

Incident Type Dangerous Incident

Dangerous Incident The fall or release from a height of any plant substance or thing

Date of incident: 02/02/2023

Time of incident: 05:00 AM

Address of incident:

Cnr Pitman St & Ankertell St, Tuggeranong ACT 2901 -

Describe the incident and sequence of events (include any plant or equipment involved):

Team member raised the roller shutter to gain access to the receiving dock and take receipt of a delivery. Team member had moved away from the immediate vicinity when the roller shutter came off its track and fell from height, to the ground. No injuries sustained. Team member was within imminent distance. Reported as serious near miss.

Did the incident involve dangerous substances?

No

Entity Type: Business Entity

Entity Name: Coles Tuggeranong

Trading as: Coles Supermarkets

ACN: 004189708

ABN: 45004189708

Address Details:

Cnr Pitman St & Ankertell St, Tuggeranong ACT 2901 -

Added Witnesses

Title	DOB	Address	Phone	Relationship
Sch 2.2(a)(ii)				

What actions have been taken to immediately rectify the problem?

Incident area has been isolated with tape and signage, adjacent roller shutter has also been tagged out of service and all receival activities have been stopped, team have been communicated. Manufacturer and technicians on way to site.

What actions are planned to be taken long term to prevent a similar incident?

Manufacturer, engineer and technicians are on way to site to investigate root cause.

Details of person completing this form:

Sch 2.2(a)(ii)

PROHIBITION NOTICE

This is a Prohibition Notice issued under section 195 of the Work Health and Safety Act 2011

Information

Notice number N-000006968

Issued By: Emma Hayes ID number: 01873

To whom this notice is issued

Name of registered company: Coles Tuggeranong

Business or trading name: Coles Supermarkets

ABN: 45004189708 ACN: 004189708

Registered Address: Cnr Pitman Street & Ankertell Street suburb: Tuggeranong state: ACT postcode: 2901

Site address: Cnr Pitman Street & Ankertell Street suburb: Tuggeranong state: ACT postcode: 2901

Method of service: Email

Served on: 03/02/2023

Date of issue: 03/02/2023

Description

The provision that the inspector believes is being, or is likely to be, contravened by the activity (s196(1)(c)) is **WHS**

Acts Section number - 21

You are prohibited from carrying on the following activity, or the carrying on of the activity in a specified way:

Use of roller doors (two off) in the Loading Area of Coles Tuggeranong (Section 1), except for the purpose of inspecting and rectification of roller door functionality by suitably competent person.

until the inspector is satisfied that the matters that give or will give rise to the risk have been remedied (s195(2)). The inspector reasonably believes that grounds for the issue of this notice exist (s195(1)), i.e. (a) an activity is occurring at a workplace that involves, or will involve, a serious risk to the health or safety of a person emanating from an immediate exposure to a hazard; or (b) an activity may occur at a workplace that, if it occurs, will involve a serious risk to the health or safety of a person emanating from an immediate or imminent exposure to a hazard.

Basis for belief (s196(1)(a))

Based on observations and information available, I Inspector HAYES formed a reasonable belief that using the roller doors in Section 1 when there is an unknown fault in the door functionality resulting the incident occurring 2nd February 2023 creates a risk to health and safety to workers and others.

Briefly, the activity that the inspector believes involves or will involve the risk, and the matters that gave or will give rise to the risk (s196(1)(b))

Based on observations and information available, I Inspector HAYES formed a reasonably belief that using the roller doors in Section 1 when there is an unknown fault in the door functionality resulting the incident occurring 2nd February 2023 creates a risk to health and safety to workers and others.

This Notice may include directions concerning the measures to be taken to remedy the risk or contravention. You must comply with the direction

You must ensure the roller doors in Section 1 are not to be used until inspections and rectifications of door functionality are completed by a competent person in accordance with the Manufacture's specifications

The inspector recommends that you:

See over for important information on your rights and responsibilities.

Prohibition Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom a Prohibition notice is issued must comply with the notice (s197). The maximum penalty for failing to comply with this requirement is \$100,000 for an individual or \$500,000 for a corporation.

Regulator may carry out action

If a person to whom a prohibition notice is issued fails to take reasonable steps to comply with the notice, and after giving written notice of its intentions and the persons liability for the costs, the regulator (WorkSafe ACT) may take any remedial action it believes reasonable to make the workplace or situation safe (s 211). The regulator may then recover the reasonable costs of taking this remedial action (s213).

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Prohibition notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies.

WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days. You may also make an application for the reviewer to stay the operation of the Prohibition notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: [Worksafe @act.gov.au](mailto:Worksafe@act.gov.au)

Phone: (02) 6207 3000

Fax:(02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450



PROHIBITION NOTICE

This notice is issued under section 195 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom a prohibition notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice. Failure to comply may incur a maximum penalty of \$100,000 for an individual and \$500,000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Coles Tuggeranong
 ABN: 45004189708
 ACN: 004189708
 Trading As: Coles Supermarkets
 Address: Cnr Pitman Street & Ankertell Street, Tuggeranong, ACT, 2901

Details of serious risk:

Site location: Cnr Pitman Street & Ankertell Street, Tuggeranong ACT 2901

Based on observations and information available, I Inspector HAYES formed a reasonable belief that using the roller door in Section 2 when there is an unknown fault in the door functionality resulting the incident occurring 2nd February 2023 creates a risk to health and safety to workers and others.

Basis for inspector's belief:

Directions on the measures to be taken to remedy the risk, activities or matters or the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure the roller door in Section 2 are not to be used until inspections and rectifications of door functionality are completed by a competent person in accordance with the Manufacture's specifications

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

Issuing Details

Issued by: Emma Hayes
 ID number: 01873
 Date issued: 05/02/2023

Service method: Email
 Notice emailed to: [Sch 22\(alt\)@coles.com.au](mailto:Sch 22(alt)@coles.com.au)

Prohibition Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom a prohibition notice is issued must comply with the notice (s197). The maximum penalty for failing to comply with this requirement is \$100,000 for an individual or \$500,000 for a corporation.

Regulator may carry out action

If a person to whom a prohibition notice is issued fails to take reasonable steps to comply with the notice, and after giving written notice of its intentions and the persons liability for the costs, the regulator (WorkSafe ACT) may take any remedial action it believes reasonable to make the workplace or situation safe (s 211). The regulator may then recover the reasonable costs of taking this remedial action (s213).

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A prohibition notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the Work Health and Safety Act 2011 and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the Information Privacy Act 2014. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000


Fax:(02) 6205 0336

Translating and Interpreting Service

Phone: 131 450

WORKPLACE VISIT REPORT

Initial Information

Inspection Number: 00150961
Lead Inspector: Emma Hayes
Inspector ID: 01873
Lead inspector email address: emma.hayes@worksafe.act.gov.au
Is there any accompanying inspectors? Yes
Dimitry Blundell 
Date visit commenced: 02/02/2023
Legislation visit conducted under: WHS
Purpose of visit: Event

Entity Information

Type of entity: Business Entity
Name of individual or registered company: Coles Tuggeranong
Trading as: Coles Supermarkets
ACN: 004189708
ABN: 45004189708
Industry Group:
Address: Cnr Pitman Street & Ankertell Street Tuggeranong ACT 2901
Contact Name:
Contact Number:
Contact Email:

Details of Visit:

Address: Cnr Pitman Street & Ankertell Street Tuggeranong ACT 2901
Notification of entry to (as required by s164): PCBU

Inspector Notes:

On 2nd February 2023 at 12:47 am, Inspectors HAYES and BLUNDELL attended Coles Supermarkets Australia Pty Ltd trading as Coles Tuggeranong (Coles) located at South Point Tuggeranong, Pitman Street, Greenway ACT 2900 in response to a Notifiable Incident.

Inspectors met with the Regional Manager, Safety Officer and Acting Store Manager and observed and discussed the following:

- One of two loading dock roller doors (Section 1) fallen from seating at approximately 4:42am on the morning of the 2nd of February 2023
- Worker opened door, completed tasks of unloading delivery truck and in process of closing loading dock door, door has fallen approximately 3 meters
- Regional Manager advise since incident, exclusion zone has been in place in Section 1 and roller doors in loading dock not used
- Inspectors sited Worker's training competency record to operate roller door with last training recorded as 29th August 2022
- Inspectors met with representative of [REDACTED], competent persons engaged by Coles to conduct review and rectification works on the roller doors
- Regional Manager advised there are 2 other doors, Waste Management (Section 2) and Cardboard Recycling (Section 3), with similar operating mechanism. Roller doors height approximately 6 meters.
- Verbal Prohibition issued at 13:02 prevent the use of the roller doors located in Section 1, Section 2 and Section 3 until such time a competent person is engaged review and inspect the roller doors and confirm functionality of door is restored. No persons are to use the doors, except for the purpose of completing inspection and rectification works and this work is to be completed by a suitably competent person

Inspector Hayes requests the following documents to be sent to emma.hayes@worksafe.act.gov.au

- Maintenance and inspection records of roller doors located in Section 1, Section 2 and Section 3
- Methodology to completed assessments of roller doors in Section 2 and Section 3 by competent person
- Internal investigation report
- Copy of Worker's Compensation Policy

Inspectors departed site at 13:30pm

Disclaimer: The issues identified during this inspection are only indicative of compliance with the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2011, the Dangerous Substances Act 2004 and the Workers Compensation Act 1951 on the date of the inspection. If compliance is identified during this inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Previous Action

Previous notice/s issued (either written or verbal)? Yes

Type of notice: Prohibition

Recipient/s of this form:


Email: [REDACTED]

Email 2:

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WORKPLACE VISIT REPORT

Initial Information

Inspection Number: 00151596
Lead Inspector: Gary Hadson
Inspector ID: P57949
Lead inspector email address: gary.hadson@worksafe.act.gov.au
Is there any accompanying inspectors? Yes
Emma Hayes 
Date visit commenced: 05/02/2023
Legislation visit conducted under: WHS
Purpose of visit: Compliance Advice

Entity Information

Type of entity: Business Entity
Name of individual or registered company: Coles Supermarket
Trading as:
ACN: 004189708
ABN: 45004189708
Industry Group:
Address: Bowman St Macquarie ACT 2614
Contact Name:
Contact Number:
Contact Email:

Details of Visit:

Address: 12 Sangster Place WANNIASSA ACT 2903
Notification of entry to (as required by s164): Manager

Inspector Notes:

On 6th February 2023 at 10:07am, WorkSafe ACT Inspectors Gary Hadson and Emma Hayes attended Coles Supermarket, 12 Sangster Place Warriassa ACT. The workplace visit followed an incident that occurred on the 28th February 2023.

- Employees at the store consisted of 80 employees of which consisted of about 20 young workers and the rest over the age of 18 years of age and no apprentices.
- Incident involved entry barricade contacting child. Advised first aid treatment not provided at time of incident.
- Incident record number 0001866095 were present in electronic form but was unable to print the incident case, store Manager [REDACTED] agreed to supply a copy of the full incident record including the footage of the incident to be sent to Emma Hayes email service.
- Entry barricading for the store was discussed regarding being involved in the incident and was observed to be functioning correctly at the time of inspection. There are present two forms of sensors installed and functioning located at the top and base of the supporting gate pole that was censoring at the time for adult and shoe height.
- Maintenance schedule for the entry barricade was not present at the time of inspection but discussed with the store Manager [REDACTED] the maintenance is managed through the main office and [REDACTED] will be supplying a copy of the maintenance schedule to Emma Hayes email service.
- Hazardous Chemical Register and Safety Data sheets available online via intranet. All workers have access. Sample of Safety Data Sheets reviewed and are current and in date.
- First aid kit stocked. First aid kits reviewed every 6 months by Store Safety Manager.
- Worker's Compensation policy information was displayed and in date.
- Fire extinguisher and fire blanket has evidence of testing with last test date Dec 2022.
- Two electronic pallet jacks in loading dock. Training provided prior to use. Request copy of maintenance records.
- Electronic lift in loading dock has a crushing risk due to material under lift being damaged. Store Manager advised incident report to be lodged immediately. Request copy of incident and evidence risk treated.
- Manual handling Policy available online to workers. Request copy of manual handling Policy.
- Work Health Safety audits of store conducted monthly. Workplace Health and Safety Representative present at meetings.
- Roller doors did not display a service sticker record.
- Emergency exits have lights lit and clear.
- Racking – safe working loads displayed, not attached to ground. Request copy of inspection records.

Inspectors request the following documents to be sent to gary.hadson@worksafe.act.gov.au by close of business 10th February 2023

- Copy of incident report 0001866095
- Copy of maintenance and inspection of entry barricades
- Copy of maintenance and inspection records of electric pallet jacks
- Copy of maintenance and inspection records of loading dock roller doors
- Copy of maintenance and inspection records of racking located in loading dock

Disclaimer: The issues identified during this inspection are only indicative of compliance with the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2011, the Dangerous Substances Act 2004 and the Workers Compensation Act 1951 on the date of the inspection. If compliance is identified during this inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Previous Action

Previous notice/s issued (either written or verbal)? No

Recipient/s of this form:

Email:

Email 2:

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Notifiable Incident Form

Important

This form is to be used to notify a serious event under the *Work Health and Safety Act 2011 (the Act)*. You can access the Act at www.legislation.act.gov.au. You may also obtain further information and forms at www.worksafe.act.gov.au. A person conducting a business or undertaking is required to provide details of notifiable incidents pursuant to sections 35-39 of the Act. Failure to comply with this provision may result in a fine of \$10,000 in the case of an individual or \$50,000 in the case of a body corporate.

Privacy

The *Work Health and Safety Act 2011* authorises the regulator to collect the personal information required by this form. The regulator is bound to prevent any unreasonable intrusion into a person's privacy in accordance with the *Information Privacy Act 2014*. The Privacy Policy can be found on the JACS website at www.justice.act.gov.au/privacy. The regulator may provide identifiable information to law enforcement organisations and authorised organisations that have legal authority to request information under prescribed circumstances.

Reporting

After becoming aware that an incident has occurred, workplaces **must** report 'notifiable incidents' to WorkSafe ACT **IMMEDIATELY, and by the fastest possible means**, either:

- by phone - ring WorkSafe ACT on 02 6207 3000
- by fax or other electronic means - fax WorkSafe ACT on 02 6205 0336; email worksafe@worksafe.act.gov.au

NOTE: WorkSafe ACT requires, in accordance with section 38(4)(b) of the WHS Act 2011, that you follow up your immediate notification in writing by completing this Notifiable Incident Report Form and forwarding it to

WorkSafe ACT,
GPO Box 158,
Canberra City,
ACT, 2601

Instructions for Completion

- If completing this form by hand please use blue or black pen.
- Any alteration to information provided on this form must be struck through with pen. Substitute information must be clear and the person completing the form must sign in the margin. Do not use correction fluid or tape.
- Please complete all sections of the form. Please indicate if information requested on this form is not applicable or not known with the letters N/A or N/K respectively.
- Return completed forms by post, email or fax as detailed above.

Further Information about reporting Notifiable Incidents

Is reporting mandatory?

Yes. You are required to notify WorkSafe ACT, by telephone or in writing [this form will assist you in reporting in writing]:

- the death of a person [i.e. a worker or another person]
- a serious injury or illness of a person
- a dangerous incident

in accordance with sections 35 to 39 of the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulations 2011*. It is an offence to fail to make a report of a Notifiable Incident.

Who must send in the Notifiable Incident Report?

The person who conducts a business or undertaking is responsible for ensuring that WorkSafe ACT is notified immediately after becoming aware that a notifiable incident has occurred (*Work Health and Safety Act 2011*, s38 (1)). NB: The Notifiable Incident Report can be made by a supervisor or other person acting on behalf of the person conducting the business or undertaking.

What workplaces are covered?

ALL places where people work are covered by the Act and the Regulations.

Is there a time limit for reporting?

Notifiable Incidents must be notified to WorkSafe ACT immediately after the workplace becomes aware that a notifiable incident arising out of the conduct of the business or undertaking has occurred.

If the notification is made by telephone, WorkSafe ACT may require that written notice be provided [using this form, for example] within 48 hours of that requirement being made.

What injuries must you report?

You must send WorkSafe ACT a Notifiable Incident Report if, as a result of a Notifiable Incident at your workplace, involving:

- the death of a person [i.e. a worker or another person]
- a serious injury or illness of a person
- a dangerous incident

in accordance with sections 35 to 39 of the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulations 2011*. It is an offence to fail to make a report of a Notifiable Incident.

You must send WorkSafe ACT a Report even if the person injured or killed is not a worker (e.g. a sales representative or a visitor).

What is a Serious Injury or Illness?

A serious injury or illness means an injury or illness requiring the person to have:

- immediate treatment as an in-patient in a hospital [**Note: it is not necessary that the person was actually sent to or treated as an in-patient, it is sufficient that the injury or illness could reasonably be expected to warrant such treatment**]
- immediate treatment for an amputation, a serious head or eye injury, a serious burn, degloving or scalping, a spinal injury, the loss of a bodily function or serious lacerations
- medical treatment within 48 hours of exposure to a substance.

What dangerous incidents must you report?

A dangerous incident means an incident in relation to a workplace that exposes a worker or any other person to a serious risk to a person's health or safety emanating from an immediate or imminent exposure to:

- an uncontrolled escape, spillage or leakage of a substance
- an uncontrolled implosion, explosion or fire
- an uncontrolled escape of gas, steam or a pressurised substance
- electric shock
- the fall or release from height of any plant, substance or thing
- the collapse, overturning, failure or malfunction of, or damage to, any plant that is required to be authorised for use in accordance with the WHS Regulations 2011
- the collapse or partial collapse of a structure
- the collapse or failure of an excavation or of any shoring supporting an excavation
- the inrush of water, mud or gas in workings, in an underground excavation or tunnel
- the interruption of the main system of ventilation in an underground excavation or tunnel
- any other event prescribed by the WHS Regulations 2011.

Do you have to keep a copy?

You must keep a record of any Notifiable Incident notification that you make to WorkSafe ACT for at least 5 years after the day the notification is given.

Do you need to comply with any other accident report procedures?

You may have reporting obligations under other legislation including but not limited to the: Scaffolding and Lifts Act 1912, Workers Compensation Act 1951, Machinery Act 1949 and/or the Dangerous Substances Act 2004 in relation to the Notifiable Incident that you have told WorkSafe ACT about in this Report.

Can you fax or phone in details?

Yes. When notifying by phone, you should ensure you receive and record the report number given to you by WorkSafe ACT. This report number needs to be kept with your records of the details reported to WorkSafe ACT.

Report No.

Details of business or undertaking

Name of business or undertaking:

Coles Supermarkets

Phone: [] Fax: 03 98645402 Mobile: Sch 2.2(a)(ii)

Email: Sch 2.2(a)(ii)

Address of business or undertaking

Keltie Street, Woden Plaza

City/Suburb: Woden Plaza State/Territory: ACT Post Code: 2606

Details of the injured/involved person:

Name of injured/involved person:

Sch 2.2(a)(ii)

Date of Birth: [] Gender: M F

Address of Injured/involved person:

Sch 2.2(a)(ii)

City/Suburb: Sch 2.2(a)(ii) State/Territory: [] Post Code: []

Job title/position:

customer

Main Duties:

customer

Phone: [] Fax: [] Mobile: 0407318369

Email: []

Type of employment
 Full-time permanent Part-time permanent
 Full-time casual Part-time casual
 Other (e.g. site visitor, student, etc)

Type of worker
 Trainee Self-employed (Contractor or Subcontractor)
 Outworker Unpaid worker
 Apprentice Work Experience
 Pieceworker (other than an Outworker) Other (note: most employees will fall into this category)

Details of injury/illness/damage etc and any medical treatment

Customer slipped on a piece of avocado. Customer reported a potential fracture to their right knee. Onsite first aid was not applied as this was declined by the customer. Ambulance were contacted and customer was taken to Canberra Hospital. Customer has been admitted, diagnosed with a fracture to the patella and is awaiting surgery.

Details of the Accident/Incident:

Date of the accident/incident:

Time of the accident/incident:

13/05/2023

11:45am

Witnesses/other involved persons:

Name: Sch 2.2(a)(ii) s

Contact number: Sch 2.2(a)(ii) l

Name:

Contact number:

Describe the Accident/Incident: (attach additional information if more space is required)

ipped on a piece of avocado. Customer reported a potential fracture to their right knee. Onsite first aid was not applied as this was declined by the customer. Ambulance were contacted and customer was taken to Canberra Hospital. Customer has been admitted, diagnosed with a fracture to the patella and is awaiting surgery.

Name of supervisor or person in control of the site/location at the time of the accident/incident:

Sch 2.2(a)(ii)

Address where accident/incident occurred (if at a different location to business address)

eltie Street, Woden Plaza

Suburb: Woden Plaza

Post Code: 2606

Where did the incident occur (e.g. plant room, roof)

Shop floor

Environment and workplace conditions

Describe the workplace conditions at the time of the accident/incident (e.g. lighting, floor surface, weather, housekeeping etc)

nil issues identified with the workplace. unfortunately a loose piece of avocado has made its way to the shop floor which has caused the slip.

Task and supervision

What task was being performed when the accident/incident occurred?

Customer was shopping

Plant, Equipment, Tools, Materials and Substances

What plant/substances were being used? (provide details, e.g. model serial number, registration number etc)

n/a

Risk assessment and where required for high risk construction work, SWMS.

Was a risk assessment undertaken prior to commencing work?

Yes No

If No, please explain why:
N/A customer incident

Was a safe work method statement (SWMS) prepared if the work was high risk construction work?

Yes No

If No, please explain why:
N/a customer incident

Note: See the *Work Health and Safety Regulations 2011* s.299 for more information.

Outcomes – please complete relevant parts of this section

Estimated date of resumption of work:

Unknown at this stage

Action that has been or will be taken to prevent recurrence:

full investigation to be completed to determine how the avocado has made its way to the shop floor.
proactive review of housekeeping SWP's for all team members.

Details of person completing this form

Full name:

Sch 2.2(a)(ii)

Phone: Sch 2.2(a)(ii)

Fax: Sch 2.2(a)(ii)

Mobile: Sch 2.2(a)(ii)

Email: Sch 2.2(a)(ii)

Job title/position:

Safety Advisor

Clear form

Initial information

Type of report *

Workplace Visit

Inspector ID *

P37226

Inspection number

WPV-P37226-TYXZFJ

Event number

Lead inspector *

Kris Johnston

Is there any accompanying inspectors *

Yes No

Date *

21 Dec 2018

Time commenced *

10:10

Type of WPV *

Proactive Reactive

Purpose of WPV *

Complaint

Legislation *

Work Health and Safety Act 2011

Is this a joint inspection? *

Yes No

Name of individual or registered company *

Other

Name of individual or registered company *

Yarra DMX Pty Ltd

ABN

67109212339

ACN

Business or trading name (if different)

Registered company address

Address line 1 *

21-23 Bentham St

128

Address line 2

Suburb *

Yarralumbla

State *

ACT

Postcode *

2600

Contact name *

Contact number *

Sch 2.2(a)(ii)

Workers compensation

Is a compulsory Workers Compensation Policy maintained? *

- Yes
- No
- Not applicable

Details of inspection

Site/Workplace address

Same as registered address

Notification of entry to (as required by s164) *

- PCBU
- Manager
- Supervisor
- HSR
- Other
- N/A

Inspector notes

An inspection of the IGA in Yarralumbla was conducted by inspector Johnston as a result of a complaint relating to a trip hazard in the deli. On arrival to the store. The following was noted/observed:

- Inspector meet with Sch 2.2(a)(ii) . Area in question was identified. Drop in floor was identified. Area was being managed by a rubber mate of the area. Area was being adequately managed.
- Store manger had explained that quotes to address the area had been done.

No further action required.

Further action

Further action required? *

129

Yes

No

Previous notice/s issued?

Yes

No

Finalisation details

Photos

Other attachments (documents)

WPV for asbestos related issue *

Yes No

Industry group *

Retail Trade

Time finished *

10:30

Disclaimer:

The issues identified during this Inspection are only indicative of compliance with the Work Health and Safety Act 2011, Work Health and Safety Regulation 2011, Dangerous Substance Act 2004 and Workers Compensation Act 1951 on the date of the Inspection. If compliance is identified during this Inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Lead inspector email address *

Kris.Johnston@act.gov.au

How many other email addresses would you like to send this to? *

1

Email 1 *

Sch 2.2(a)(ii)

Privacy notice

The information collected for the purpose of the Work Health and Safety Act 2011 and is in accordance with the Information Privacy Act 2014. WorkSafe ACT prevents any unreasonable intrusion into person's privacy in accordance with the Privacy Act 1988 (C'With) and Information Privacy Act 2014. WorkSafe ACT provides identifiable information which can be disclosed to other law enforcement agencies and authorised organisations that have legal authority to request information under prescribed circumstances.

Initial information

Type of report *

Workplace Visit

Inspector ID *

P05546

Inspection number

WPV-P05546-VGHHL6

Event number

190212-001646

Lead inspector *

Andrew Woolgar

Is there any accompanying inspectors *

Yes No

Date *

13 Feb 2019

Time commenced *

14:25

Type of WPV *

Proactive Reactive

Purpose of WPV *

Complaint

Legislation *

Work Health and Safety Act 2011

Is this a joint inspection? *

Yes No

Name of individual or registered company *

Other

Name of individual or registered company *

THE TRUSTEE FOR THE INTERCHANGE TRUST TRADING ,

ABN

25820367052

ACN

Business or trading name (if different)

IGA East Row

Registered company address

Address line 1 *

Sch 2.2(a)(ii)

132

Workers compensation

Is a compulsory Workers Compensation Policy maintained? *

- Yes
- No
- Not applicable

Details of inspection

Site/Workplace address

Same as registered address

Address line 1 *

IGA

Address line 2

East Row

Suburb *

CITY

State

ACT

Postcode *

2608

Notification of entry to (as required by s164) *

- PCBU
- Manager
- Supervisor
- HSR
- Other
- N/A

Inspector notes

On the 13/02/2019 at 14:25 met with **Sci 2.2(a) 1014**, part Owner of IGA East Row, Civic and received the following information: 133

- The forklift on-site is operated by a licence forklift operator (sighted the high risk work licence for the forklift operator)
- The forklift is regularly services and maintained by a external provider
- The forklift operator and truck driver undertake traffic management when unloading trucks to ensure members of the public are kept clear of operating plant

The forklift was being services whilst on-site and discussion with maintain worker and observation revealed:

- All safety lights and system operational (i.e. flashing lights, horn, reversing beeper, etc.) at time of assessment

The forklift was not being operated unloading a truck at time of assessment

Provided advice on traffic management control measures/practices during high and low members of the public flow rates.

Further action

Further action required? *

Yes

No

Previous notice/s issued?

Yes

No

Finalisation details

Photos

Other attachments (documents)

WPV for asbestos related issue *

Yes No

Industry group *

Retail Trade

Time finished *

14:45

Disclaimer:

The issues identified during this Inspection are only indicative of compliance with the Work Health and Safety Act 2011, Work Health and Safety Regulation 2011, Dangerous Substance Act 2004 and Workers Compensation Act 1951 on the date of the Inspection. If compliance is identified during this Inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Lead inspector email address *

Andrew.Woolgar@act.gov.au

How many other email addresses would you like to send this to? *

1

Email 1 *

Sch 2.2(a)(ii)

Privacy notice

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Proactive Workplace Visit Record of Engagement - Submission confirmation

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

Date and time

03 Feb 2020 8:30:38 AM

Reference code

PF3X3W

AGENCY

ADDRESS
SUBURB STATE POSTCODE

Phone: XX XXXX XXXX

Inspection information

Inspector ID *

32682

Inspection number

WPV-32682-3B7298

CRM number

191202-000816

Lead inspector

Tamara Teer

Accompanying Inspectors/others

Jodie Fletcher

Date *

31 Jan 2020

Time commenced: *

10:45

Type of WPV: Proactive

Type of WPV: Educational

Legislation *

Work Health and Safety Act 2011

Name of individual or registered company *

Sch 2.2(a)(ii)

ABN

69613085457

ACN

Business or trading name (if different)

IGA Evatt

Registered company address

Address line 1 *

Sch 2.2(a)(ii)

Details of inspection

Site/Workplace address

Same as registered address

Notification of entry to (as required by s164) *

PCBU

Manager

Supervisor

HSR

Other

N/A

Inspector notes *

Inspectors Teer and Fletcher met with [redacted] this morning to organise interviews as part of the Retail Audit. The retail Audit will be conducted on the 10 February 2020 at 11:30am.

Information posters were handed out.

Industry group *

Accommodation and Food Services

Time finished *

11:00am

Your email address *

Tamara.Teer@act.gov.au

How many other email addresses would you like to send this to? *

1

Email *

Sch 2.2(a)(ii)

The information collected for the purpose of the *Work Health and Safety Act 2011* and is in accordance with the *Information Privacy Act 2014*. WorkSafe ACT prevents any unreasonable intrusion into person's privacy in accordance with the *Privacy Act 1988 (C'With)* and *Information Privacy Act 2014*. WorkSafe ACT provides identifiable information which can be disclosed to other law enforcement agencies and authorised organisations that have legal authority to request information under prescribed circumstances.

WORK PLACE VISIT REPORT

Initial Information

Inspection Number: 00049530

Lead inspector: Jodie FLETCHER Inspector ID: P05554

Is there any accompanying inspectors: Yes

Andrew WOOLGAR

P39355

Type of visit: Proactive

Date of visit: 09/02/2021

Legislation visit conducted under: WHS

Purpose of visit: Audit

Entity information

Type of entity: Business Entity

Name of individual or registered company: DEALORE PTY.LIMITED

Trading as: IGA Lyneham

ACN:

ABN: 62062304849

Industry Group: Retail

Address: Lyneham ACT 2602

Sch 2.2(a)(ii)

Details of visit

Address: Lyneham ACT 2602

Notification of entry to (as required by s164): PCBU

Were any potential breaches of the legislation identified? Yes

- * Test & Tag
- * Damaged bailer - interlock mechanism and electrical cable
- * No WHS Policy
- * No Emergency Evacuation Policy
- * No Incident Notification Policy
- * No Manual Handling Risk Assessment
- * No SDS
- * No Spill Containment
- * Chemical Storage issues
- * No Hazardous Chemical Register
- * No Bullying and Harassment Policy
- * Forklift has damaged seat
- * Forklift has a flashing light that doesn't work

Inspector notes:

Inspectors Fletcher and Woolgar attended premises to conduct a safety audit as part of WorkSafe ACT's current retail campaign.

Through discussion and observation with store manager **Sch 2.2(a)(ii)** the following issues were identified:

- * Test & Tag
- * Damaged bailer - interlock mechanism and electrical cable
- * No WHS Policy
- * No Emergency Evacuation Policy
- * No Incident Notification Policy
- * No Manual Handling Risk Assessment
- * No SDS
- * No Spill Containment
- * Chemical Storage issues
- * No Hazardous Chemical Register
- * No Bullying and Harassment Policy
- * Forklift has damaged seat
- * Forklift has a flashing light that doesn't work

Improvement Notices issued with a compliance date of 23 February 2021.

Disclaimer: The issues identified during this inspection are only indicative of compliance with the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2011, the Dangerous Substances Act 2004 and the Workers Compensation Act 1951 on the date of the inspection. If compliance is identified during this inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Further action

Further action required: Yes

Previous notice/s issued (either written or verbal)?

Contacts

Lead inspector email address: jodie.fletcher@act.gov.au

Recipient/s of this form

Email: **Sch 2.2(a)(ii)**

Email 2:

Privacy Notice: The information collected for the purpose of the Work Health and Safety Act 2011 and is in accordance with the Information Privacy Act 2014. WorkSafe ACT prevents any unreasonable intrusion into person's privacy in accordance with the Privacy Act 1988 (C'With) and Information Privacy Act 2014. WorkSafe ACT provides identifiable information which can be disclosed to other law enforcement agencies and authorised organisation that have legal authority to request information under prescribed circumstances.

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-000000682

Issued By: Jodie FLETCHER ID number: [REDACTED] 4

To whom this notice is issued

Name of registered company or Name of individual: DEALORE PTY.LIMITED

Business or trading name: IGA Lyneham

ABN: 62062304849 Site/workplace: 1 Wattle Street Lyneham ACT 2602

Location within address of workplace: 1 Wattle Street Lyneham ACT 2602

Sch 2.2(a)(ii)

Method of service: Email

Date of issue: 09/02/2021

Due date to remedy the contravention or likely contravention: 23/02/2021

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Regulations** Section number - **344(1)**

Briefly, how the provision is being, or has been, contravened:

Discussion and inspection of the workplace revealed workers are exposed to a serious risk to their health or safety due to exposure to hazardous chemicals as a current safety data sheet for the hazardous chemicals used in the workplace: 1- are not readily accessible to workers involved in using, handling or storing the hazardous chemical and
2 - an emergency service worker or anyone else who may be exposed to the hazardous chemical at the workplace.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

- Ensure a Safety Data Sheet for all hazardous chemicals used in the workplace is readily accessible to workers involved in using, handling or storing the hazardous chemical and
- an emergency worker or anyone else who may be exposed to the hazardous chemical at the workplace.

The inspector recommends that you:

Further guidance can be found at " Model Code of Practice: Managing risks of hazardous chemicals in the workplace.
WorkSafe ACT code of practice 'Preparation of safety data sheets for hazardous chemicals'"

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom a Improvement notice is issued must comply with the notice (s197). The maximum penalty for failing to comply with this requirement is \$100,000 for an individual or \$500,000 for a corporation.

Regulator may carry out action

If a person to whom a Improvement notice is issued fails to take reasonable steps to comply with the notice, and after giving written notice of its intentions and the persons liability for the costs, the regulator (WorkSafe ACT) may take any remedial action it believes reasonable to make the workplace or situation safe (s 211). The regulator may then recover the reasonable costs of taking this remedial action (s213).

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: Worksafe@act.gov.au

Phone: (02) 6207 3000

Fax:(02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-000000683

Issued By: Jodie FLETCHER ID number: P05554

To whom this notice is issued

Name of registered company or Name of individual: DEALORE PTY.LIMITED

Business or trading name: IGA Lyneham

ABN: 62062304849 Site/workplace: 1 Wattle Street Lyneham ACT 2602

Location within address of workplace: 1 Wattle Street Lyneham ACT 2602

Served on **Sch 2.2(a)(ii)** Method of service: Email Date of issue: 09/02/2021

Due date to remedy the contravention or likely contravention: 23/02/2021

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Regulations** Section number - **346**

Briefly, how the provision is being, or has been, contravened:

An inspection and discussion at the workplace revealed there isn't a Hazardous Substances Register.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

Complete a hazardous substances register for all chemicals within the premises and ensure it is available to all workers.

The inspector recommends that you:

Further guidance can be found at Model Code of Practice: Managing risks of hazardous chemicals in the workplace.

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

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\$100,000 for an individual or \$500,000 for a corporation.

Regulator may carry out action

If a person to whom a Improvement notice is issued fails to take reasonable steps to comply with the notice, and after giving written notice of its intentions and the persons liability for the costs, the regulator (WorkSafe ACT) may take any remedial action it believes reasonable to make the workplace or situation safe (s 211). The regulator may then recover the reasonable costs of taking this remedial action (s213).

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

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Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

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The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: [Worksafe @act.gov.au](mailto:Worksafe@act.gov.au)

Phone: (02) 6207 3000

Fax:(02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-000000685

Issued By: Jodie FLETCHER ID number: P05554

To whom this notice is issued

Name of registered company or Name of individual: DEALORE PTY.LIMITED

Business or trading name: IGA Lyneham

ABN: 62062304849 Site/workplace: 1 Wattle Street Lyneham ACT 2602

Location within address of workplace: 1 Wattle Street Lyneham ACT 2602

Served on: [REDACTED] Method of service: Email Date of issue: 09/02/2021

Due date to remedy the contravention or likely contravention: 23/02/2021

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19(3)**

Briefly, how the provision is being, or has been, contravened:

Inspectors identified through discussion with the PCBU that the business does not have adequate systems of work in place for managing workplace bullying.

- safe system of work for preventing workplace bullying.
- safe system of work for responding workplace bullying.
- review process in place to ensure current systems and procedures for preventing and responding to workplace bullying are effective and kept up to date.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

You must ensure so far as is reasonably practicable the health and safety of workers / other persons by:

- Consulting with workers to develop and implement a safe system of work for preventing workplace bullying, consulting with workers to develop and implement a safe system of work for responding to workplace bullying and consulting with workers to review and revise the organisations systems of work for preventing and responding to workplace bullying.

The inspector recommends that you:

Please refer to WorkSafe ACT code of practice 'How to manage work health and safety risks'
Safe Work Australia Guide for 'Preventing and responding to workplace bullying'.
Safe Work Australia 'Dealing with Workplace Bullying – A Workers Guide.

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom a Improvement notice is issued must comply with the notice (s197). The maximum penalty for failing to comply with this requirement is \$100,000 for an individual or \$500,000 for a corporation.

Regulator may carry out action

If a person to whom a Improvement notice is issued fails to take reasonable steps to comply with the notice, and after giving written notice of its intentions and the persons liability for the costs, the regulator (WorkSafe ACT) may take any remedial action it believes reasonable to make the workplace or situation safe (s 211). The regulator may then recover the reasonable costs of taking this remedial action (s213).

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email:

worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at

www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: Worksafe@act.gov.au

Phone: (02) 6207 3000

Fax:(02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-000000687

Issued By: Jodie FLETCHER ID number: [REDACTED] 4

To whom this notice is issued

Name of registered company or Name of individual: DEALORE PTY.LIMITED

Business or trading name: IGA Lyneham

ABN: 62062304849 Site/workplace: 1 Wattle Street Lyneham ACT 2602

Location within address of workplace: 1 Wattle Street Lyneham ACT 2602

Served on [REDACTED] Method of service: Email Date of issue: 09/02/2021

Due date to remedy the contravention or likely contravention: 23/02/2021

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Regulations** Section number - **357(1)**

Briefly, how the provision is being, or has been, contravened:

An inspection of the workplace revealed workers may be exposed to a risk to their health or safety as hazardous chemicals are stored does not have a system to manage and/or contain spills and leaks.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

A person conducting a business or undertaking at a workplace must ensure, so far as is reasonably practicable, that where there is a risk from a spill or leak of a hazardous chemical in a solid or liquid form, provision is made in each part of the workplace where the hazardous chemical is used, handled, generated or stored for a spill containment system that contains within the workplace any part of the hazardous chemical that spills or leaks, and any resulting effluent.

The inspector recommends that you:

Further guidance can be found at the National Code of Practice 'Managing Risk of Hazardous Chemicals in the Workplace.'

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 – further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which

work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom a Improvement notice is issued must comply with the notice (s197). The maximum penalty for failing to comply with this requirement is \$100,000 for an individual or \$500,000 for a corporation.

Regulator may carry out action

If a person to whom a Improvement notice is issued fails to take reasonable steps to comply with the notice, and after giving written notice of its intentions and the persons liability for the costs, the regulator (WorkSafe ACT) may take any remedial action it believes reasonable to make the workplace or situation safe (s 211). The regulator may then recover the reasonable costs of taking this remedial action (s213).

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: Worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-000000689

Issued By: Jodie FLETCHER ID number: [REDACTED] 4

To whom this notice is issued

Name of registered company or Name of individual: DEALORE PTY.LIMITED

Business or trading name: IGA Lyneham

ABN: 62062304849 Site/workplace: 1 Wattle Street Lyneham ACT 2602

Location within address of workplace: 1 Wattle Street Lyneham ACT 2602

Served on: [REDACTED] Method of service: Email Date of issue: 09/02/2021

Due date to remedy the contravention or likely contravention: 23/02/2021

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19(1)**

Briefly, how the provision is being, or has been, contravened:

Discussion with the PCBU identified no formal risk assessment has been conducted in relation to manual handling.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

Risk assessments to be undertaken, in consultation with workers, to identify hazards in the workplace. To reduce risk of harm to workers from the hazards, so far as is reasonably practicable, controls are to be determined and implemented.

The inspector recommends that you:

Further guidance can be obtained by referring to the Work Health and Safety (Hazardous Manual Tasks) Code of Practice 2011 and Work Health and Safety (How to Manage Work Health and Safety Risks) Code of Practice 2011.

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom a Improvement notice is issued must comply with the notice (s197). The maximum penalty for failing to comply with this requirement is \$100,000 for an individual or \$500,000 for a corporation.

Regulator may carry out action

If a person to whom a Improvement notice is issued fails to take reasonable steps to comply with the notice, and after giving written notice of its intentions and the persons liability for the costs, the regulator (WorkSafe ACT) may take any remedial action it believes reasonable to make the workplace or situation safe (s 211). The regulator may then recover the reasonable costs of taking this remedial action (s213).

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email:

worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at

www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: [Worksafe @act.gov.au](mailto:Worksafe@act.gov.au)

Phone: (02) 6207 3000

Fax:(02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000000691

Issued By: Jodie FLETCHER ID number: [REDACTED] 4

To whom this notice is issued

Name of registered company or Name of individual: DEALORE PTY.LIMITED

Business or trading name: IGA Lyneham

ABN: 62062304849 Site/workplace: 1 Wattle Street Lyneham ACT 2602

Location within address of workplace: 1 Wattle Street Lyneham ACT 2602

Served on: [REDACTED] Section 2.2(a)(ii) Method of service: Email Date of issue: 09/02/2021

Due date to remedy the contravention or likely contravention: 23/02/2021

Description

The inspector believes the person:

- a) is contravening a provision of this Act, or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Regulations** Section number - **150(1)**

Briefly, how the provision is being, or has been, contravened:

Inspection of the workplace identified electrical items have not been tested and tagged by a competent person.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

1. You must ensure that a competent person regularly inspects and tests electrical equipment in use at the workplace that is supplied with electricity through an electrical socket outlet and which is used in a hostile environment likely to result in equipment damage or reduced lifespan; including exposure to moisture, heat, vibration, mechanical damage, corrosive chemicals or dust
2. You must ensure that a record of any testing carried out is kept until the equipment is next tested, permanently removed from the workplace or disposed of.
3. The record of testing must specify the name of the person who carried out the testing, date of testing, outcome of testing, date of next test and may be in the form of a tag attached to the electrical equipment

The inspector recommends that you:

Further guidance can be found at _ WorkSafe ACT code of practice 'Managing electrical risks at the workplace'
- Australian/New Zealand Standard AS/NZS3760:2010 In-service safety inspection and testing of electrical equipment

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom a Improvement notice is issued must comply with the notice (s197). The maximum penalty for failing to comply with this requirement is \$100,000 for an individual or \$500,000 for a corporation.

Regulator may carry out action

If a person to whom a Improvement notice is issued fails to take reasonable steps to comply with the notice, and after giving written notice of its intentions and the persons liability for the costs, the regulator (WorkSafe ACT) may take any remedial action it believes reasonable to make the workplace or situation safe (s 211). The regulator may then recover the reasonable costs of taking this remedial action (s213).

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

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You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: Worksafe@act.gov.au

Phone: (02) 6207 3000

Fax:(02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-000000692

Issued By: Jodie FLETCHER ID number: [REDACTED] 4

To whom this notice is issued

Name of registered company or Name of individual: DEALORE PTY.LIMITED

Business or trading name: IGA Lyneham

ABN: 62062304849 Site/workplace: 1 Wattle Street Lyneham ACT 2602

Location within address of workplace: 1 Wattle Street Lyneham ACT 2602

Served on Sch 2.2(a)(ii) Method of service: Email Date of issue: 09/02/2021

Due date to remedy the contravention or likely contravention: 23/02/2021

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19(3)**

Briefly, how the provision is being, or has been, contravened:

Observation and discussion revealed the workplace is unaware of the requirement to notify WorkSafe ACT in regards to a notifiable incident occurring at the workplace as per Work Health and Safety Act 2011 sect 38.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

You must developed and implement an appropriate safe system of work for notifying WorkSafe ACT in regards to a notifiable incident and train all relevant workers.

The inspector recommends that you:

Guidance can be sought from <https://www.worksafe.act.gov.au/health-and-safety-portal/notify-worksafe>

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-000000694

Issued By: Jodie FLETCHER ID number: [REDACTED] 4

To whom this notice is issued

Name of registered company or Name of individual: DEALORE PTY.LIMITED

Business or trading name: IGA Lyneham

ABN: 62062304849 Site/workplace: 1 Wattle Street Lyneham ACT 2602

Location within address of workplace: 1 Wattle Street Lyneham ACT 2602

Served on: Sch 2.2(a)(ii) Method of service: Email Date of issue: 09/02/2021

Due date to remedy the contravention or likely contravention: 23/02/2021

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Regulations** Section number - **213(1)**

Briefly, how the provision is being, or has been, contravened:

Inspection of the workplace revealed the Nissan 15 Forklift has not been maintained and has a damaged seat.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

Have a competent person carry out the required repair work and ensure plant is maintained as per manufacturers specifications.

The inspector recommends that you:

WorkSafe ACT code of practice 'Managing risks of plant in the workplace'

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom a Improvement notice is issued must comply with the notice (s197). The maximum penalty for failing to comply with this requirement is

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000000695

Issued By: Jodie FLETCHER ID number: [REDACTED] 4

To whom this notice is issued

Name of registered company or Name of individual: DEALORE PTY.LIMITED

Business or trading name: IGA Lyneham

ABN: 62062304849 Site/workplace: 1 Wattle Street Lyneham ACT 2602

Location within address of workplace: 1 Wattle Street Lyneham ACT 2602

Served on [REDACTED] Sch 2 2(a)(ii) Method of service: Email Date of issue: 09/02/2021

Due date to remedy the contravention or likely contravention: 23/02/2021

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Regulations** Section number - **213(1)**

Briefly, how the provision is being, or has been, contravened:

Inspection of the workplace revealed the Nissan 15 Forklift has not been maintained as the flashing light is not operational.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

Have a competent person carry out the required repair work and ensure plant is maintained as per manufacturers specifications.

The inspector recommends that you:

WorkSafe ACT code of practice 'Managing risks of plant in the workplace'

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom a Improvement notice is issued must comply with the notice (s197). The maximum penalty for failing to comply with this requirement is

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-000000696

Issued By: Jodie FLETCHER ID number: [REDACTED] 4

To whom this notice is issued

Name of registered company or Name of individual: DEALORE PTY.LIMITED

Business or trading name: IGA Lyneham

ABN: 62062304849 Site/workplace: 1 Wattle Street Lyneham ACT 2602

Location within address of workplace: 1 Wattle Street Lyneham ACT 2602

Served on: Sch 2 2(a)(ii) Method of service: Email Date of issue: 09/02/2021

Due date to remedy the contravention or likely contravention: 23/02/2021

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Regulations** Section number - **43(1)**

Briefly, how the provision is being, or has been, contravened:

Discussion and observation revealed no formal Emergency Evacuation Plan or procedure in place.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

Develop emergency evacuation procedures for the premises, provide training in procedures and display procedures/plan in prominent areas in the workplace.

The inspector recommends that you:

Further guidance can be found at WorkSafe ACT code of practice "Managing the work environment and facilities"

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom a Improvement notice is issued must comply with the notice (s197). The maximum penalty for failing to comply with this requirement is \$100,000 for an individual or \$500,000 for a corporation.

Regulator may carry out action

If a person to whom a Improvement notice is issued fails to take reasonable steps to comply with the notice, and after giving written notice of its intentions and the persons liability for the costs, the regulator (WorkSafe ACT) may take any remedial action it believes reasonable to make the workplace or situation safe (s 211). The regulator may then recover the reasonable costs of taking this remedial action (s213).

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email:

worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: [Worksafe @act.gov.au](mailto:Worksafe@act.gov.au)

Phone: (02) 6207 3000

Fax:(02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-000000697

Issued By: Jodie FLETCHER ID number: [REDACTED] 4

To whom this notice is issued

Name of registered company or Name of individual: DEALORE PTY.LIMITED

Business or trading name: IGA Lyneham

ABN: 62062304849 Site/workplace: 1 Wattle Street Lyneham ACT 2602

Location within address of workplace: 1 Wattle Street Lyneham ACT 2602

Served on [REDACTED] Sch 2 2(a)(ii) Method of service: Email Date of issue: 09/02/2021

Due date to remedy the contravention or likely contravention: 23/02/2021

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Regulations** Section number - **213(1)**

Briefly, how the provision is being, or has been, contravened:

Inspection of the workplace revealed the bailer has not been maintained as the interlock system has been damaged.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

You must ensure that the bailer being used at the workplace is maintained and inspected by a competent person to ensure it is in a safe condition.

The inspector recommends that you:

WorkSafe ACT code of practice 'Managing risks of plant in the workplace'

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-000000698

Issued By: Jodie FLETCHER ID number: [REDACTED] 4

To whom this notice is issued

Name of registered company or Name of individual: DEALORE PTY.LIMITED

Business or trading name: IGA Lyneham

ABN: 62062304849 Site/workplace: 1 Wattle Street Lyneham ACT 2602

Location within address of workplace: 1 Wattle Street Lyneham ACT 2602

Served on: [REDACTED] Sch 22(a)(ii) Method of service: Email Date of issue: 09/02/2021

Due date to remedy the contravention or likely contravention: 23/02/2021

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Regulations** Section number - **213(1)**

Briefly, how the provision is being, or has been, contravened:

Inspection of the workplace revealed the baller has been damaged at some point exposing electrical wires near the base.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

Have a competent person carry out the required repair work and ensure the baller is maintained as per manufacturers specifications.

The inspector recommends that you:

Further guidance can be found at WorkSafe ACT code of practice 'Managing risks of plant in the workplace'

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom a Improvement notice is issued must comply with the notice (s197). The maximum penalty for failing to comply with this requirement is

WORK PLACE VISIT REPORT

Initial Information

Inspection Number: 00049545

Lead inspector: Jodie FLETCHER Inspector ID: [REDACTED]

Is there any accompanying inspectors: Yes

Andrew WOOLGAR

[REDACTED]

Type of visit: Proactive

Date of visit: 02/03/2021

Legislation visit conducted under: WHS

Purpose of visit: Audit

Entity information

Type of entity: Business Entity

Name of individual or registered company: DEALORE PTY.LIMITED

Trading as: IGA Lyneham

ACN:

ABN: 62062304849

Industry Group: Retail

Address: Lyneham ACT 2602

{ Sch 2.2(a)(ii)
{

Details of visit

Address: Lyneham ACT 2602

Notification of entry to (as required by s164): PCBU

Were any potential breaches of the legislation identified? No

Inspector notes:

Inspectors Fletcher and Woolgar attended premises to follow up on previously issued improvement notices.

Inspectors met with [REDACTED] and through observation and discussion it was determined all improvement notices have been complied with except for the Emergency Evacuation Policy which is currently being worked on. Inspector Fletcher granted an extension of time until 16 MARCH 2021.

The Risk Assessment relating to Manual Handling was reviewed by inspectors and discussion with [REDACTED] relation to reviewing the policy and the risk assessment against what is actually occurring in store.

Disclaimer: The issues identified during this inspection are only indicative of compliance with the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2011, the Dangerous Substances Act 2004 and the Workers Compensation Act 1951 on the date of the inspection. If compliance is identified during this inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Further action

Further action required:

Previous notice/s issued (either written or verbal)? Yes

Type of notice: Improvement

Contacts

Lead inspector email address: jodie.fletcher@act.gov.au

Recipient/s of this form

Email: **Sch 2.2(a)(ii)**

Email 2:

Privacy Notice: The information collected for the purpose of the Work Health and Safety Act 2011 and is in accordance with the Information Privacy Act 2014. WorkSafe ACT prevents any unreasonable intrusion into person's privacy in accordance with the Privacy Act 1988 (C'With) and Information Privacy Act 2014. WorkSafe ACT provides identifiable information which can be disclosed to other law enforcement agencies and authorised organisation that have legal authority to request information under prescribed circumstances.



Report a Workplace Concern or Issue - Submission confirmation

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

Date and time

Reference code

14 Jul 2021 3:04:10 PM

YKKT4K9C

WorkSafe ACT

PO Box 158
Canberra ACT 2601

Phone: 13 22 81
Email: worksafe@act.gov.au

Report a Workplace Concern or Issue

Concern/issue details

If this matter is a notifiable incident in accordance with sections 35 to 39 of the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulations 2011* please complete the Notifiable Incident Report form (<https://form.act.gov.au/smartforms/landing.htm?formCode=1282>).

WorkSafe category *

Bullying

Workplace name *

Holt IGA Supermarket

Please provide any additional information that may assist WorkSafe ACT in resolving your issue or answering your enquiry (for example: what, when, what you thought was wrong, who was involved) *

Employees have been threatened not to be paid and sworn at over the phone. One employee often receiving the blunt force of the threats. The employer has repeatedly 'lost' this employees TFN and withholds pay until his demands are met.
Business owner, has a short temper and continues to take it out on his employees.
Consistently puts employees in impossible situations that are unfair and singles out people in front of others.
Allows one employee to smoke drugs and lets 400 dollars slip from the till, but abuses another employee for not doing the fruit and veg properly.
Employees have not received public holiday rates, split shift payments and have been incorrectly paid on multiple occasions. When asking the employer about it once again they get verbally abused.

Attach an image or other information to support your report or enquiry

Workplace address (if known)

Enter the address or search/mark the location on the map

Address line 1

2 HOLT PL

Address line 2

Suburb

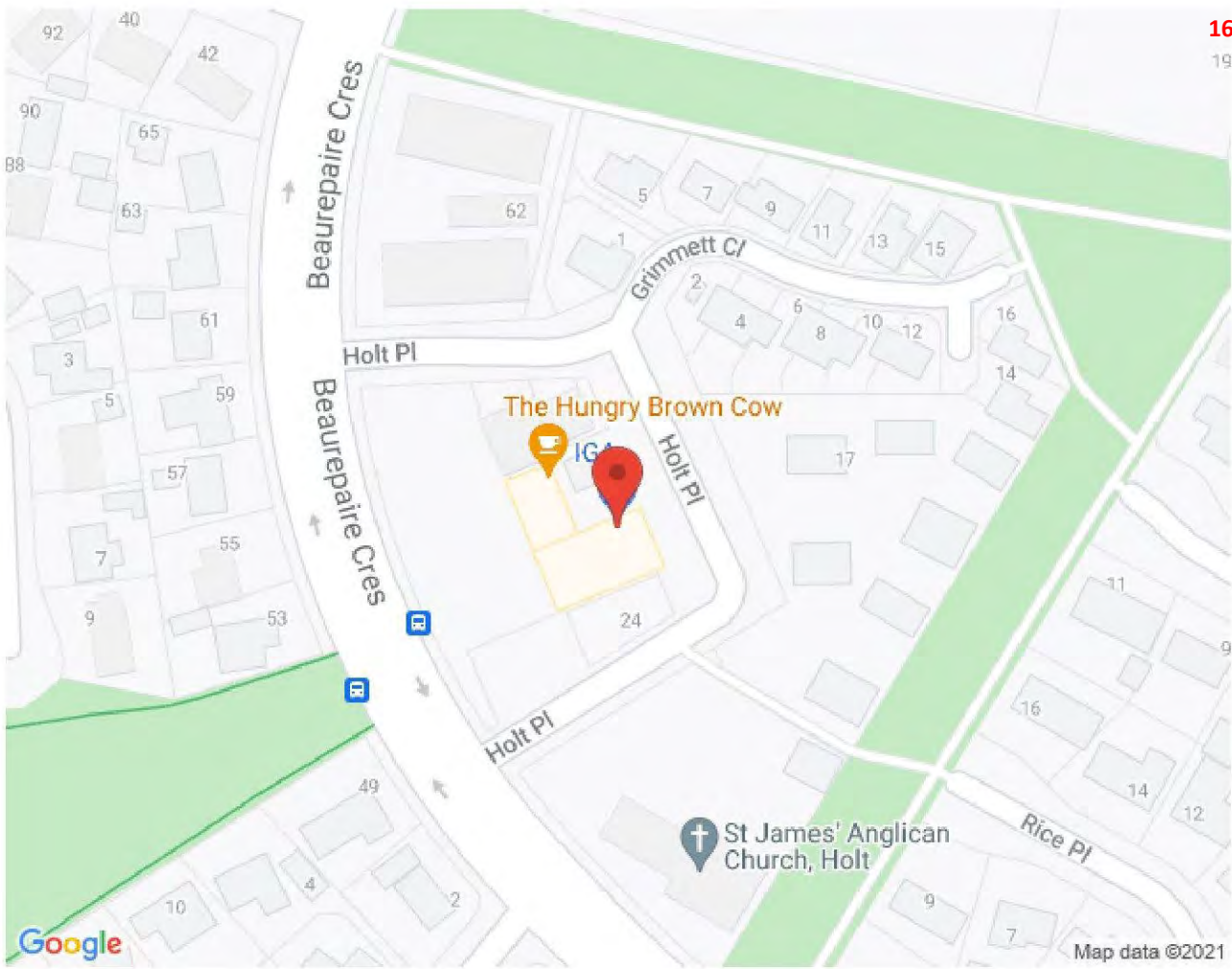
HOLT

State

ACT

Postcode

2615



Your contact information

Submit anonymously



Report a Workplace Concern or Issue - Submission confirmation

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

Date and time

Reference code

28 Dec 2021 1:55:02 PM

946WD3V7

WorkSafe ACT

PO Box 158
Canberra ACT 2601

Phone: 13 22 81
Email: worksafe@act.gov.au

Report a Workplace Concern or Issue

Concern/issue details

If this matter is a notifiable incident in accordance with sections 35 to 39 of the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulations 2011* please complete the Notifiable Incident Report form (<https://form.act.gov.au/smartforms/landing.htm?formCode=1282>).

WorkSafe category *

Workplace health and safety complaint

Workplace name *

Ainslie IGA

Please provide any additional information that may assist WorkSafe ACT in resolving your issue or answering your enquiry (for example: what, when, what you thought was wrong, who was involved) *

Ainslie IGA is refusing to provide staff with masks to prevent Covid spreading, despite the current mask mandate. The attached file is from a staf FB group and is of a post by the store manager.

Attach an image or other information to support your report or enquiry

[Screenshot_20211228-135057.png](#)

Workplace address (if known)

Enter the address or search/mark the location on the map

Address line 1

9 EDGAR ST

Address line 2

Suburb

AINSLIE

State

ACT

Postcode

2602

Your contact information

Submit anonymously

Important

Use this form to report a notifiable incident **that is not a** sexual assault incident under the *Work Health and Safety Act 2011* (the Act).

To report a **sexual assault incident**, you must use the [Sexual Assault Notifiable Incident Form](#).

This form is to be used to notify a serious event under the Act. You can access the Act at www.legislation.act.gov.au. You may also obtain further information and forms at www.worksafe.act.gov.au.

A person conducting a business or undertaking (PCBU) is required to provide details of notifiable incidents pursuant to sections 35-39 of the Act. Failure to comply with this provision may result in a fine of \$10,000 in the case of an individual or \$50,000 in the case of a body corporate.

Privacy

The Act authorises the regulator to collect the personal information required by this form. The regulator is bound to prevent any unreasonable intrusion into a person's privacy in accordance with the *Information Privacy Act 2014*. The Privacy Policy can be found on the WorkSafe ACT website at <https://www.worksafe.act.gov.au/privacy>. The regulator may provide identifiable information to law enforcement organisations and authorised organisations that have legal authority to request information under prescribed circumstances.

Reporting

After becoming aware that an incident has occurred, workplaces **must** report notifiable incidents to WorkSafe ACT **IMMEDIATELY, and by the fastest possible means**.

Instructions

- If completing this form by hand please use blue or black pen.
- Any alteration to information provided on this form must be struck through with pen. Substitute information must be clear and the person completing the form must sign in the margin. Do not use correction fluid or tape.
- Please complete all sections of the form. Please indicate if information requested on this form is not applicable or not known with the letters N/A or N/K respectively.
- Return completed forms by email worksafe@worksafe.act.gov.au or post, WorkSafe ACT, GPO Box 158, Canberra City, ACT, 2601.

Is reporting mandatory?

Yes. You are required to notify WorkSafe ACT, by telephone or in writing for:

- the death of a person [i.e. a worker or another person]
- a serious injury or illness of a person
- a dangerous incident
- workplace sexual assault (actual or perceived). **You must use the [Sexual Assault Notifiable Incident Form](#) to report sexual assault incidents.**

In accordance with sections 35 to 39 of the Act and the *Work Health and Safety Regulation 2011* (the Regulation) it is an offence to fail to make a report of a notifiable incident.

You must send WorkSafe ACT a report even if the person injured or killed is not a worker (e.g. a sales representative or a visitor).

Who must send in the notifiable incident report?

The PCBU is responsible for ensuring that WorkSafe ACT is notified immediately after becoming aware that a notifiable incident has occurred.

What workplaces are covered?

ALL places where people work within WorkSafe ACT's jurisdiction (Commonwealth and Comcare self-insured workplaces are not included) are covered by the Act and the Regulation. Workplaces includes any place where a worker goes, or is likely to be, while at work and includes accommodation provided by the workplace.

Is there a time limit for reporting?

Notifiable Incidents must be notified to WorkSafe ACT immediately after the workplace becomes aware that a notifiable incident arising out of the conduct of the business or undertaking has occurred.

If the notification is made by telephone, WorkSafe ACT may require that written notice be provided within 48 hours of that requirement being made.

What is a serious injury or illness?

A serious injury or illness means an injury or illness requiring the person to have:

- immediate treatment as an in-patient in a hospital
Note: it is not necessary that the person was actually sent to or treated as an in-patient, it is sufficient that the injury or illness could reasonably be expected to warrant such treatment
- immediate treatment for an amputation, a serious head or eye injury, a serious burn, degloving or scalping, a spinal injury, the loss of a bodily function or serious lacerations
- medical treatment within 48 hours of exposure to a substance.

What dangerous incidents must you report?

A dangerous incident means an incident in relation to a workplace that exposes a worker or any other person to a serious risk to a person's health or safety emanating from an immediate or imminent exposure to:

- an uncontrolled escape, spillage or leakage of a substance
- an uncontrolled implosion, explosion or fire
- an uncontrolled escape of gas, steam or a pressurised substance
- electric shock
- the fall or release from height of any plant, substance or thing
- the collapse, overturning, failure or malfunction of, or damage to, any plant that is required to be authorised for use in accordance with the Regulation
- the collapse or partial collapse of a structure
- the collapse or failure of an excavation or of any shoring supporting an excavation
- the inrush of water, mud or gas in workings, in an underground excavation or tunnel
- the interruption of the main system of ventilation in an underground excavation or tunnel
- any other event prescribed by the Regulation.

Do you have to keep a copy?

You must keep a record of any Notifiable Incident notification that you make to WorkSafe ACT for at least 5 years after the day the notification is given.

Do you need to comply with any other incident report procedures?

You may have reporting obligations under other legislation including but not limited to the: *Scaffolding and Lifts Act 1912*, *Workers Compensation Act 1951*, *Machinery Act 1949* and/or the *Dangerous Substances Act 2004* in relation to the notifiable incident that you have told WorkSafe ACT about in this report.

Can you fax or phone in details?

Yes. When notifying by phone, you should ensure you receive and record the report number given to you by WorkSafe ACT. This report number needs to be kept with your records of the details reported to WorkSafe ACT.

Details of business or undertaking

Name of business or undertaking:

holt iga

Phone: Sch 2.2(a)(ii)

Email: Sch 2.2(a)(ii)

Address of business or

shop 1 holt pl

City/Suburb: holt State/Territory: act Post Code: 2615

Details of the injured/involved person:

Sch 2.2(a)(ii)

Type of employment	<input type="checkbox"/> Full-time permanent	<input type="checkbox"/> Part-time permanent
	<input checked="" type="checkbox"/> Full-time casual	<input type="checkbox"/> Part-time casual
	<input type="checkbox"/> Other (e.g. site visitor, student, etc)	
Type of worker	<input type="checkbox"/> Trainee	<input type="checkbox"/> Self-employed (Contractor or Subcontractor)
	<input type="checkbox"/> Outworker	<input type="checkbox"/> Unpaid worker
	<input type="checkbox"/> Apprentice	<input type="checkbox"/> Work Experience
	<input type="checkbox"/> Pieceworker (other than an Outworker)	<input checked="" type="checkbox"/> Other (note: most employees will fall into this category)

Details of injury/illness/damage etc and any medical treatment
 was hit by 6 boxes of sof drink falling off the end of the conveyer belt in the chest. Bruise to chest area, going to the doctor

Details of the incident:

Date of the incident:

Time of the incident

11-Aug-23

2:38 pm

Witnesses/other involved persons:

Name:

Sch 2.2(a)(ii)

Name:

Contact number:

Describe the incident: (attach additional information if more space is required)

was hit by 6 boxes of sof drink falling off the end of the conveya belt in the cheast

Name of supervisor or person in control of the site/location at the time of the incident:

Sch 2.2(a)(ii)

Address where incident occurred (if at a different location to business address)

shop 1 holt pl

Suburb: holt

Post Code: 2615

Where did the incident occur (e.g. plant room, roof)

store room

Environment and workplace conditions

Describe the workplace conditions at the time of the incident (e.g. lighting, floor surface, weather, housekeeping etc)

normal

Task and supervision

What task was being performed when the incident occurred?

unloading the belt

Plant, Equipment, Tools, Materials and Substances

What plant/substances were being used? (provide details, e.g. model serial number, registration number etc)

n/a

Risk assessment and where required for high risk construction work, SWMS.

Was a risk assessment undertaken prior to commencing work?

Yes No

If No, please explain why:

n/a

Was a safe work method statement (SWMS) prepared if the work was high risk construction work?

Yes No

If No, please explain why:

n/a

Note: See the *Work Health and Safety Regulations 2011* s.299 for more information.

Outcomes – please complete relevant parts of this section

Estimated date of resumption of work:

n/a

Action that has been or will be taken to prevent recurrence:

yes

Details of person completing this form

Full name:

Sch 2.2(a)(ii)

Clear Form

Submit Form



IMPROVEMENT NOTICE

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50,000 for an individual and \$250,000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: The Trustee for Tourloukis Family Trust
ABN: 25704098032
ACN:
Trading As: IGA Holt
Address: , , ,
Due Date: 4 September, 2023

Details of contravention:

Site location: 2 Holt Place Holt, Canberra ACT 2615

I Jodie Fletcher reasonably believe on 17/08/2023 10:00 AM that you contravened a provision of the Work Health and Safety Act 2011, section 19 (1) - Primary duty of care - workers, Work Health and Safety Regulation 2011, section 344 - Person conducting business or undertaking to obtain and give access to safety data sheets. Workers and others are exposed to serious risk as current first aid information is not available in the form of Safety Data Sheets.

Brief description of how the provision is being or has been contravened:

Inspector observed All Purpose Sanitiser Concentrate located in the downstairs storeroom.

Other chemicals observed in the downstairs storeroom include Aqua Balm Hand & Body Wash.

Persons are exposed to a risk to their health and safety e.g. unable to obtain current first aid instructions in the case of burn or exposure from hazardous chemical including but not limited to All Purpose Sanitiser Concentrate as Safety Data Sheets were requested and unable to be produced.

Discussion with the Manager confirmed they did not have copies available.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as reasonably practicable that the workplace:

1. Provides current and accessible Safety Data Sheets for chemicals stored and used on site in accordance with Regulation 344 of the Work Health and Safety Regulations 2011.

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

Refer to WorkSafe ACT - Managing Risks of Hazardous Chemicals in the Workplace Code of Practice.

Please contact the inspector who issued this notice to confirm compliance prior to the day by which the person is required to remedy the contravention or likely contravention.

Issuing Details

Issued by: Jodie Fletcher

ID number: [REDACTED]

Date issued: 17/08/2023

Sch 2.2(a)(ii)

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

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Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

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WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the Work Health and Safety Act 2011 and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the Information Privacy Act 2014. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax:(02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50,000 for an individual and \$250,000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: The Trustee for Tourloukis Family Trust
ABN: 25704098032
ACN:
Trading As: IGA Holt
Address: , , ,
Due Date: 4 September, 2023

Details of contravention:

Site location: 2 Holt Place Holt, Canberra ACT 2615

I Jodie Fletcher reasonably believe on 18/08/2023 10:00 AM that you contravened a provision of the Work Health and Safety Act 2011, section 19 (1) - Primary duty of care - workers, by failing to develop and implement a system to report and record incidents and near misses to workers and others in the workplace. This exposes workers to a risk of incidents not being reported and the hazards and risks having led to those incidents not being controlled.

Brief description of how the provision is being or has been contravened:

Persons are exposed to a risk of incidents not being reported and the hazards and risks having led to those incidents not being controlled. During the workplace inspection Inspectors asked the workplace representatives about whether there was any process/procedure or system in place for incident reporting, including reporting of Notifiable Incidents to WorkSafe ACT. The workplace failed to demonstrate there was any process/procedure/system or any associated forms in place for reporting workplace injuries, illnesses, hazards or near miss incidents internally or to report Notifiable Incidents to WorkSafe ACT.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must, so far as reasonably practicable:

1. Develop and implement a system to report and record all workplace injuries and incidents, ensuring this includes notification to WorkSafe ACT for notifiable incidents
2. Provide training to workers on the system

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

Please contact the inspector who issued this notice to confirm compliance prior to the day by which the person is required to remedy the contravention or likely contravention.

In complying with the directions, refer to the following reference tools:

WHS Act 2011 Section 19 "Primary Duty of Care"
WHS Act 2011 Part 3 "Incident Notification"

WHS Act 2011 section 27 Duty of officers
Safe Work Australia Fact Sheet - Incident Notification

Issuing Details

Issued by: Jodie Fletcher
ID number: [REDACTED] 4
Date issued: 18/08/2023

Sch 2.2(a)(ii)

WORKPLACE VISIT REPORT

Initial Information

Inspection Number: 00170683
Lead Inspector: Jodie Fletcher
Inspector ID: [REDACTED]
Lead inspector email address: jodie.fletcher@worksafe.act.gov.au
Is there any accompanying inspectors? Yes
David West: [REDACTED]
Date visit commenced: 17 August, 2023
Legislation visit conducted under: WHS

Entity Information

Type of entity: Business Entity
Name of individual or registered company: The Trustee for Tourloukis Family Trust
Trading as: IGA Holt
ACN:
ABN: 25704098032
Industry Group: Retail
Address:

Sch 2.2(a)(ii)

Details of Visit:

Address:
Notification of entry to (as required by s164): PCBU

Inspector Notes:

On 17 August 2023 at about 09:56 am, WorkSafe ACT Inspector Fletcher and person assisting West attended the Trustee or Turloukis Family Trust Trading As IGA Holt located at 2 Holt Place, Holt ACT 2615.

Fletcher and West entered the workplace under the Work Health and Safety Act 2011 (WHS Act). Upon entry, Inspector and person assisting identified themselves to a person identifying themselves as the owner and advised purpose of the visit was to conduct a general inspection on the workplace focusing on the loading dock and manual handling processes.

They confirmed that Trustee or Turloukis Family Trust trading as IGA Holt is the person conducting business or undertaking (PCBU) and themselves as an authorised representative of the PCBU.

Inspector and person assisting spoke with Manager who advised the following:

- Employ 16 casual workers with the majority being young workers under 25
- Induction process includes a training schedule, manual handling process and occupational violence including if they feel uncomfortable with any particular customer, they can call a manager to assist or take over
- There was an incident register located at the checkouts that has been reused for another purpose and needs replacing
- Staff are shown and trained how to use conveyor belt to get stock downstairs to the stockroom
- 'Belt Grip' spray is sometimes used when boxes are a bit slippery

Inspector and person assisting observed the following:

- First aid kit available, well stocked and maintained
- Fire response equipment had recently been tested.
- All walkways and stairwells are clear and free from obstruction.
- Conveyor belt has controls both upstairs and in storeroom with an emergency stop button, a metal rod is placed at the bottom when moving boxes.
- There are multiple trolleys available for use to minimise manual handling when moving stock.
- Bell on walk in fridge serviceable.
- Chemicals stored appropriately but no safety data sheets available when requested
- Electrical testing and tagging has not been completed by a competent person

Improvement Notices to be issued.

Photos taken and notes entered into notebook A10334.

Inspectors left the premises at about 10:35am

Disclaimer: The issues identified during this inspection are only indicative of compliance with the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2011, the Dangerous Substances Act 2004 and the Workers Compensation Act 1951 on the date of the inspection. If compliance is identified during this inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Previous Action

Previous notice/s issued (either written or verbal)?

Recipient/s of this form:

Email: david.west@worksafe.act.gov.au

Sch 2.2(a)(ii)

Privacy Notice: The information collected for the purpose of the Work Health and Safety Act 2011 and is in accordance with the Information Privacy Act 2014. WorkSafe ACT prevents any unreasonable intrusion into person's privacy in accordance with the Privacy Act 1988 (C'Wlth) and Information Privacy Act 2014. WorkSafe ACT provides identifiable information which can be disclosed to other law enforcement agencies and authorised organisation that have legal authority to request information under prescribed circumstances.



IMPROVEMENT NOTICE

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50,000 for an individual and \$250,000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: The Trustee for Tourloukis Family Trust
 ABN: 25704098032
 ACN:
 Trading As: IGA Holt
 Address: , , ,
 Due Date: 4 September, 2023

Details of contravention:

Site location: 2 Holt Place Holt, Canberra ACT 2615

I Jodie Fletcher reasonably believe on 17/08/2023 10:00 AM that you contravened a provision of the Work Health and Safety Act 2011, section 19(1) - Primary duty of care - workers, Work Health and Safety Regulation 2011, section 150 - Inspection and testing of electrical equipment.

The PCBU has failed to ensure electrical equipment within the workplace that is supplied with electricity through an electrical socket outlet has been tested and tagged on a regular basis by a competent person exposing workers to a risk of electric shock.

Brief description of how the provision is being or has been contravened:

Persons are exposed to a risk to their health and safety from electric shock as electrical items in the workplace are not being tested and tagged by a competent person on a regular basis in accordance with Regulation 150 of the Work Health and Safety Regulation 2011.

Observation of the workplace revealed electrical items located throughout the premises and supplied with electricity through an electrical socket outlet including but not limited to Freezers, Kettle, Microwave, Leads, Power boards etc have not been tested and tagged by a competent person on a regular basis.

Discussion with the PCBU confirmed there is no process in place to ensure regular testing of electrical items.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as reasonably practicable that all electrical equipment in the workplace which is supplied with electricity through an electrical socket is tested and tagged by a competent person on a regular basis to control those risks.

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

Refer to Work Health and Safety Code of Practice 'Managing Electrical Risks in the Workplace'

Please contact the inspector who issued this notice to confirm compliance prior to the day by which the person is required to remedy the contravention or likely contravention.

Issuing Details

Issued by: Jodie Fletcher

ID number: P05554

Date issued: 18/08/2023

Issuing method: Email

Sch 2.2(a)(ii)



IMPROVEMENT NOTICE EXTENSION

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50,000 for an individual and \$250,000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: The Trustee for Tourloukis Family Trust
ABN: 25704098032
ACN:
Trading As: IGA Holt
Address: , , ,

Details of contravention:

Site location: 2 Holt Place Holt, Canberra ACT 2615

I Jodie Fletcher reasonably believe on 18/08/2023 10:00 AM that you contravened a provision of the Work Health and Safety Act 2011, section 19 (1) - Primary duty of care - workers, by failing to develop and implement a system to report and record incidents and near misses to workers and others in the workplace. This exposes workers to a risk of incidents not being reported and the hazards and risks having led to those incidents not being controlled.

Brief description of how the provision is being or has been contravened:

Persons are exposed to a risk of incidents not being reported and the hazards and risks having led to those incidents not being controlled. During the workplace inspection Inspectors asked the workplace representatives about whether there was any process/procedure or system in place for incident reporting, including reporting of Notifiable Incidents to WorkSafe ACT. The workplace failed to demonstrate there was any process/procedure/system or any associated forms in place for reporting workplace injuries, illnesses, hazards or near miss incidents internally or to report Notifiable Incidents to WorkSafe ACT.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must, so far as reasonably practicable:

1. Develop and implement a system to report and record all workplace injuries and incidents, ensuring this includes notification to WorkSafe ACT for notifiable incidents
2. Provide training to workers on the system

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

Please contact the inspector who issued this notice to confirm compliance prior to the day by which the person is required to remedy the contravention or likely contravention.

In complying with the directions, refer to the following reference tools:

WHS Act 2011 Section 19 "Primary Duty of Care"

WHS Act 2011 Part 3 "Incident Notification"
WHS Act 2011 section 27 Duty of officers
Safe Work Australia Fact Sheet – Incident Notification

Issuing Details

Issued by: Jodie Fletcher

ID number: P05554

Date issued: 04/09/2023

Service method: Email

Sch 2.2(a)(ii)



IMPROVEMENT NOTICE EXTENSION

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50,000 for an individual and \$250,000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: The Trustee for Tourloukis Family Trust
ABN: 25704098032
ACN:
Trading As: IGA Holt
Address: , , ,

Details of contravention:

Site location: 2 Holt Place Holt, Canberra ACT 2615

I Jodie Fletcher reasonably believe on 17/08/2023 10:00 AM that you contravened a provision of the Work Health and Safety Act 2011, section 19 (1) - Primary duty of care - workers, Work Health and Safety Regulation 2011, section 150 - Inspection and testing of electrical equipment.

The PCBU has failed to ensure electrical equipment within the workplace that is supplied with electricity through an electrical socket outlet has been tested and tagged on a regular basis by a competent person exposing workers to a risk of electric shock.

Brief description of how the provision is being or has been contravened:

Persons are exposed to a risk to their health and safety from electric shock as electrical items in the workplace are not being tested and tagged by a competent person on a regular basis in accordance with Regulation 150 of the Work Health and Safety Regulation 2011.

Observation of the workplace revealed electrical items located throughout the premises and supplied with electricity through an electrical socket outlet including but not limited to Freezers, Kettle, Microwave, Leads, Power boards etc have not been tested and tagged by a competent person on a regular basis.

Discussion with the PCBU confirmed there is no process in place to ensure regular testing of electrical items.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as reasonably practicable that all electrical equipment in the workplace which is supplied with electricity through an electrical socket is tested and tagged by a competent person on a regular basis to control those risks.

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

Refer to Work Health and Safety Code of Practice 'Managing Electrical Risks in the Workplace'

Please contact the inspector who issued this notice to confirm compliance prior to the day by which the person is required to remedy the contravention or likely contravention.

Issuing Details

Issued by: Jodie Fletcher

ID number: P05554

Date issued: 04/09/2023

Service method: Email

Sch 2.2(a)(ii)

WORKPLACE VISIT REPORT

Initial Information

Inspection Number: 00172489
Lead Inspector: Jodie Fletcher
Inspector ID: P05554
Lead inspector email address: jodie.fletcher@worksafe.act.gov.au
Is there any accompanying inspectors? Yes
Daniel Te Riini
Date visit commenced: 4 September, 2023
Legislation visit conducted under: WHS

Entity Information

Type of entity: Business Entity
Name of individual or registered company: The Trustee for Tourloukis Family Trust
Trading as: IGA Holt
ACN:
ABN: 25704098032
Industry Group: Retail
Address:

Sch 2.2(a)(ii)

Details of Visit:

Address:
Notification of entry to (as required by s164): PCBU

Inspector Notes:

On 04 September 2023 at about 11:12 am, WorkSafe ACT Inspectors Fletcher and Te Riini attended the Trustee for Tourloukis Family Trust Trading As IGA Holt located at 2 Holt Place, Holt ACT 2615.

Fletcher and West entered the workplace under the Work Health and Safety Act 2011 (WHS Act). Upon entry, Inspectors identified themselves to a person identifying themselves as a manager and advised purpose of the visit was to follow up on previously issued Improvement Notices.

An Incident Report Register is located at the cash registers but contains limited information and worker is unaware of a policy around incident notification to WorkSafe ACT, Improvement Notice N-0000008385 relating to Incident Notification to WorkSafe ACT has yet to be complied with and the improvement notice has been extended until 15/09/2023.

Electrical items including fridges, vacuum, power boards, leads etc were observed to still be untested by a competent person, Improvement Notice N-0000008386 relating to Electrical Testing and tagging has yet to be complied with and the improvement notice has been extended until 15/09/2023.

Safety Data Sheets have been complied and are available to staff in the storeroom, Improvement Notice N-0000008304 relating to SDS has been complied with and is no longer in force.

Photos taken and notes entered into notebook A10334.

Inspectors left premises at 11:20 am

Disclaimer: The issues identified during this inspection are only indicative of compliance with the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2011, the Dangerous Substances Act 2004 and the Workers Compensation Act 1951 on the date of the inspection. If compliance is identified during this inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Previous Action

Previous notice/s issued (either written or verbal)?

Recipient/s of this form:

Email:

Email 2 Sch 2 2(a)(ii)

Privacy Notice: The information collected for the purpose of the Work Health and Safety Act 2011 and is in accordance with the Information Privacy Act 2014. WorkSafe ACT prevents any unreasonable intrusion into person's privacy in accordance with the Privacy Act 1988 (C'With) and Information Privacy Act 2014. WorkSafe ACT provides identifiable information which can be disclosed to other law enforcement agencies and authorised organisation that have legal authority to request information under prescribed circumstances.

Inspector Notes:

On 15 September 2023 at about 2:15 pm, WorkSafe ACT Inspectors Fletcher and Te Riini attended the Trustee for Tourloukis Family Trust Trading As IGA Holt located at 2 Holt Place, Holt ACT 2615.

Fletcher and Te Riini entered the workplace under the Work Health and Safety Act 2011 (WHS Act). Upon entry, Inspectors identified themselves to a person identifying themselves as a manager and advised purpose of the visit was to follow up on previously issued Improvement Notices.

Inspectors were escorted downstairs where electrical testing and tagging was observed to have been completed by a competent person.

Improvement Notice N-0000008386 relating to electrical testing and tagging has been complied with and is no longer in force.

Inspectors spoke with workers about requirements to report incident to WorkSafe ACT and if they were aware of what was reportable and if there was a process in place. Workers were not aware of what is required to be reported to WorkSafe, stated they had seen a flyer around and aware of an accident book upstairs near tills.

Worker advised they were hurt on 11 August 2023 and completed the notification form; he sustained soft tissue injuries that required 10 days off work and then returned on light duties and has only just been cleared to return to pre-injury duties.

In light of this incident there has not been a discussion with workers of the expected process and procedure when an incident or accident occurs.

Review of the accident book does not capture this incident and there is no documented process of incident notification and scene preservation.

Improvement Notice N-0000008466 relating to incident notification has not been complied with and has been extended.

Photos taken and notes entered into notebook A10334.

Inspectors left premises 2:35pm.

Disclaimer: The issues identified during this inspection are only indicative of compliance with the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2011, the Dangerous Substances Act 2004 and the Workers Compensation Act 1951 on the date of the inspection. If compliance is identified during this inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Previous Action

Previous notice/s issued (either written or verbal)?

Recipient/s of this form:

Email:

Email Sch 2 2(a)(ii)

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WORKPLACE VISIT REPORT

Initial Information

Inspection Number: 00175089
Lead Inspector: Jodie Fletcher
Inspector ID: 1 [REDACTED] 4
Lead inspector email address: jodie.fletcher@worksafe.act.gov.au
Is there any accompanying inspectors? Yes
Kurt Kuehl [REDACTED]
Date visit commenced: 25 September, 2023
Legislation visit conducted under: WHS

Entity Information

Type of entity: Business Entity
Name of individual or registered company: The Trustee for Tourloukis Family Trust
Trading as: IGA Holt
ACN:
ABN: 25704098032
Industry Group: Retail
Address:

Sch 2.2(a)(ii)

Details of Visit:

Address:
Notification of entry to (as required by s164): PCBU

Inspector Notes:

On 26 September 2023 at about 9:39 am, WorkSafe ACT Inspectors Fletcher and Kuehl attended the Trustee for Tourloukis Family Trust Trading As IGA Holt located at 2 Holt Place, Holt ACT 2615.

Fletcher and Kuehl entered the workplace under the Work Health and Safety Act 2011 (WHS Act). Upon entry, Inspectors identified themselves to a person identifying themselves as a manager / owner and advised purpose of the visit was to follow up on previously issued Improvement Notice.

Inspectors spoke with manager / owner workers about requirements to report incident to Worksafe ACT and they requirement to ensure staff are aware of what is notifiable and the process that is in place if an incident or accident was to occur.

Inspectors were advised staff have been told to call the owner should something happen, and it gets addressed from there depending on what's occurred. There is no documented process.

Inspectors advised to document the process and have a meeting with staff to discuss and ensure they understand the process.

For Example

1. Render first aid if required
2. Call [redacted] to advise what's happened.
3. Preserve scene / secure area.
4. Call WorkSafe ACT if notifiable.
5. Record in incident / Accident Book.

The incident / accident book needs to be updated to ensure the following details are captured:

- Name of injured person
- Date of Incident
- Location of Incident
- What happened
- First aid provided (if any)

Improvement Notice N-0000008466 relating to incident notification has not yet been complied with.

Please send evidence once process is documented and accident book updated.

Notes entered into notebook AI0334.

Inspectors left premises 9:49 am.

Disclaimer: The issues identified during this inspection are only indicative of compliance with the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2011, the Dangerous Substances Act 2004 and the Workers Compensation Act 1951 on the date of the inspection. If compliance is identified during this inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Previous Action

Previous notice/s issued (either written or verbal)?

Recipient/s of this form:

Email:

Email 2 [redacted]

WORKPLACE VISIT REPORT

Initial Information

Inspection Number: 00181216
Lead Inspector: David West
Inspector ID: [REDACTED]
Lead inspector email address: david.west@worksafe.act.gov.au
Is there any accompanying inspectors? Yes
Alan Hartcher [REDACTED]
Date visit commenced: 13 November, 2023 09:32
Legislation visit conducted under: WHS

Entity Information

Type of entity: Business Entity
Name of individual or registered company: S. PELLE PTY. LIMITED
Trading as: IGA EVERYDAY OCONNOR
ACN: 008519113
ABN: 48008519113
Industry Group:
Address: 3 Sargood Street O'Connor ACT 2602
Contact: [REDACTED]
Contact: [REDACTED]
Contact: [REDACTED]

Details of Visit:

Address: 3 Sargood Street O'Connor ACT 2602
Notification of entry to (as required by s164): PCBU

Inspector Notes:

On 13 November 2023 at about 09:32 PM, Worksafe ACT Inspector David WEST and person assisting Alan HARTCHER attended S. Pelle PTY Ltd ABN 48008519113 trading as IGA O'Conner. The workplace visit was in follow up to prohibition notice N - 0000008749.

West and Hartcher entered the workplace under Work Health and Safety Act (WHS Act). Upon entry inspectors identified themselves to person who identified themselves as owner and PCBU.

West asked questions around the prohibition notice and new processes and procedures.

The PCBU indicated that they have implemented measures of having the roller door closed at all time when workers are on the first floor loading dock as recommended in the prohibition notice.

Inspectors are satisfied that the risks identified in the prohibition notice have been treated.

West and Hartcher departed the workplace at 09:37AM that same day.

Disclaimer: The issues identified during this inspection are only indicative of compliance with the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2011, the Dangerous Substances Act 2004 and the Workers Compensation Act 1951 on the date of the inspection. If compliance is identified during this inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Previous Action

Previous notice/s issued (either written or verbal)?

Recipient/s of this form:

Email

Email

Email 3:

Privacy Notice: The information collected for the purpose of the Work Health and Safety Act 2011 and is in accordance with the Information Privacy Act 2014. WorkSafe ACT prevents any unreasonable intrusion into person's privacy in accordance with the Privacy Act 1988 (C'With) and Information Privacy Act 2014. WorkSafe ACT provides identifiable information which can be disclosed to other law enforcement agencies and authorised organisation that have legal authority to request information under prescribed circumstances.

WORKPLACE VISIT REPORT

Initial Information

Inspection Number: 00180214
Lead Inspector: David West
Inspector ID: [REDACTED]
Lead inspector email address: david.west@worksafe.act.gov.au
Is there any accompanying inspectors? Yes
Kurt Kuehl [REDACTED]
Date visit commenced: 07 November, 2023 12:17
Legislation visit conducted under: WHS

Entity Information

Type of entity: Business Entity
Name of individual or registered company: S. PELLE PTY. LIMITED
Trading as: IGA EVERYDAY OCONNOR
ACN: 008519113
ABN: 48008519113
Industry Group:
Address: 3 Sargood Street O'Connor ACT 2602
Contact Name: Sch 2.2(a)(ii)
Contact Number: [REDACTED]
Contact Email: [REDACTED]

Details of Visit:

Address: 3 Sargood Street O'Connor ACT 2602
Notification of entry to (as required by s164): PCBU

Inspector Notes:

On 07 November 2023 at about 12:17PM, Worksafe ACT Inspectors David West, Kurt Kuehl and person assisting Jason Dale attended S. Pelle PTY Ltd ABN 48008519113 trading as IGA O'Conner. The workplace visit was in response to concerns raised with WorkSafe ACT about the workplace. West and Kuehl entered the workplace under Work Health and Safety Act (WHS Act). Upon entry inspectors identified themselves to person who identified themselves as owner and PCBU.

They confirmed that S. Pelle PTY Ltd is the Person Conducting a Business or Undertaking and themselves as authorised representative of the PCBU. The following was discussed:

- There are only two workers who operate the forklift.
- Worker on site was able to provide his High-Risk Work Licence for the Forklift.
- Workers were identified working on the first-floor loading dock while a forklift had elevated load rested inside roller door of loading dock.
- The roller door for the first-floor loading dock is operated by remote control that is kept in the forklift.
- The loading dock can be locked via an internal door.
- The loading Dock has lots of stock currently making it difficult to leave a full pallet.

It was discussed that the following is a reasonably practicable solution the risks of falls from the first-floor loading dock.

- Lock first floor loading dock from landing preventing workers entering.
- Raise roller door using remote control from forklift.
- Raise load and position inside roller door on first floor loading dock.
- Remove and lower forklift.
- Lower roller door using remote control.
- Unlock Landing door allowing access to first floor loading dock to unload pallet.

The following notice will be issued following the visit.

- Prohibition notice from carrying on of working on the first-floor loading dock unloading pallets of stock whilst the roller door remains open, conducting this activity with the roller door open and having no other fall prevention measures in place exposes workers to a serious risk of injury whilst working at a height of approximately 3.5 metres with an unprotected edge and subsequent risk of falls from heights.

At about 12:30PM that same day West and Kuehl departed the workplace

Disclaimer: The issues identified during this inspection are only indicative of compliance with the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2011, the Dangerous Substances Act 2004 and the Workers Compensation Act 1951 on the date of the inspection. If compliance is identified during this inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Previous Action

Previous notice/s issued (either written or verbal)?

Recipient/s of this form:

Email Sch 2.2(a)(ii)
 Email
 Email 3:

Privacy Notice: The information collected for the purpose of the Work Health and Safety Act 2011 and is in accordance with the Information Privacy Act 2014. WorkSafe ACT prevents any unreasonable intrusion into person's privacy in accordance with the Privacy Act 1988 (C'Wlth) and Information Privacy Act 2014. WorkSafe ACT provides identifiable information which can be disclosed to other law enforcement agencies and authorised organisation that have legal authority to request information under prescribed circumstances.



PROHIBITION NOTICE

This notice is issued under section 195 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom a prohibition notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice. Failure to comply may incur a maximum penalty of \$100,000 for an individual and \$500,000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: S. PELLE PTY. LIMITED

Address: 3 Sargood Street, O'Connor, ACT, 2602

Details of serious risk:

Site location: 3 Sargood Street, O'CONNOR ACT 2602

You are prohibited from carrying on of working on the first floor loading dock unloading pallets of stock whilst the roller door remains open, conducting this activity with the roller door open and having no other fall prevention measures in place exposes workers to a serious risk of injury whilst working at a height of approximately 3.5 metres with an unprotected edge and subsequent risk of falls from heights.

Basis for inspector's belief:

I David West reasonably believe that on 7/11/2023 12:17 PM that you contravened a provision of the Work Health and Safety Act 2011, section 19 (1).

Workers were exposed to serious risk to their health and safety. I witnessed workers unloading a pallet on a first floor loading dock at a height of approximately 3.5 metres from the unprotected edge to the ground below because of no fall prevention system, such as closing of the roller door while workers are present. This exposes workers to a risk of falls whilst unloading pallets.

Discussions with workers identified that the roller door is operated by remote and can be operated from the forklift on the ground floor. This forms a reasonable belief that the unloading of pallets can be done without putting workers at a risk of falls from heights. The PCBU has failed to maintain a work environment without risk to health and safety of workers.

Directions on the measures to be taken to remedy the risk, activities or matters or the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as reasonably practicable that you provide adequate protection against the risk of falling from height whilst working on the first floor loading dock.

This could be done by:

- Locking the first floor loading dock from landing preventing workers entering.
- Raise roller door using remote control from forklift.
- Raise load and position inside roller door on first floor loading dock.
- Remove and lower forklift.
- Lower roller door using remote control.
- Unlock Landing door allowing access to first floor loading dock to unload pallet.

Or other practicable measures to control the risks in order to maintain a work environment without risk to the health and safety of workers.

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

Please contact the inspector who issued this notice to confirm that the uncontrolled risk has been remedied.

Issuing Details

Issued by: David West

ID number: [REDACTED]

Date issued: 07/11/2023

Service method: Email

Notice emailed to: [REDACTED] Sch 2.2(a)(ii)

Prohibition Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom a prohibition notice is issued must comply with the notice (s197). The maximum penalty for failing to comply with this requirement is \$100,000 for an individual or \$500,000 for a corporation.

Regulator may carry out action

If a person to whom a prohibition notice is issued fails to take reasonable steps to comply with the notice, and after giving written notice of its intentions and the persons liability for the costs, the regulator (WorkSafe ACT) may take any remedial action it believes reasonable to make the workplace or situation safe (s 211). The regulator may then recover the reasonable costs of taking this remedial action (s213).

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A prohibition notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the Work Health and Safety Act 2011 and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the Information Privacy Act 2014. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax:(02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



Report a Workplace Concern or Issue - Submission confirmation

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

Date and time

Reference code

13 Oct 2023 6:29:03 PM

W5SG8267

WorkSafe ACT

PO Box 158
Canberra ACT 2601

Phone: 13 22 81
Email: worksafe@act.gov.au

Report a Workplace Concern or Issue

Concern/issue details

If this matter is a notifiable incident in accordance with sections 35 to 39 of the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulations 2011* please complete the Notifiable Incident Report form (https://www.worksafe.act.gov.au/__data/assets/pdf_file/0006/1807314/Notifiable-Incident-Report-Form-.pdf).

WorkSafe category *

Workplace Investigation

Workplace name *

Supabarn O'Connor

Please provide any additional information that may assist WorkSafe ACT in resolving your issue or answering your enquiry (for example: what, when, what you thought was wrong, who was involved) *

At the Supabarn, there is a forklift- it is primarily operated by the owner and second day worker- who both have licenses (after another investigation where they were required to get licenses because they previously didn't). During the evening, 5-8:30, the forklift is only ever operated by junior employees who do not have a license- their job requires the use of the forklift, and there have been no efforts by the owner to train them- it is of no concern to the owner.

In the evening, the junior employees who are required to operate the forklift include: a drinks stacker, who uses the forklift to get drinks and such from the second level of the building and bring them down to stack in the shop. The drinks stacker must also park the forklift into the small room out the back of the shop at the end of the night- this is much more dangerous, as the employee must navigate benches, a bailer, and a stack of boxes including eggs. The manager must park the forklift in the event that there is no drinks worker.

I worked at this Supabarn as a manager. I was given a 10-minute forklift training session, and I was trained by a drinks stacker who also received short and inadequate training. I did not touch the forklift at all- I did not park it, and I did not operate it in any way. My boss (the owner) was inconvenienced greatly- or so he made me feel, as he had to come in and park it for me.

I am well aware that this is unacceptable in a workplace. I was put under incredible stress because of this forklift situation, and I felt as if I was not as valued as my other co-workers who operated the forklift.

I would greatly appreciate it if this situation was investigated; I experienced great stress and poor workplace relationships because of this, and I would not be surprised if this was the only corner cut at the shop and the only illegal aspect of the owner's management.

Attach an image or other information to support your report or enquiry

Workplace address (if known)

Enter the address or search/mark the location on the map

Address line 1

SHOPS 3 SARGOOD ST

Address line 2

Suburb

O'CONNOR

State

ACT

Postcode

2602



Your contact information

Submit anonymously

Initial information

Type of report *

Workplace Visit

Inspector ID *

P05772

Inspection number

WPV-P05772-TUNNNS

Event number

180323-001150

Lead inspector *

harsh puri

Is there any accompanying inspectors *

Yes No

Date *

26 Apr 2018

Time commenced *

10:20

Type of WPV *

Proactive Reactive

Purpose of WPV *

Complaint

Legislation *

Work Health and Safety Act 2011

Is this a joint inspection? *

Yes No

Name of individual or registered company *

Other

Name of individual or registered company *

Woolworths Ltd

ABN

ACN

000014675

Business or trading name (if different)

Woolworths Erindale

Registered company address

Address line 1 *

1 Woolworths Way

200

Address line 2

Suburb *

Bella Vista

State *

NSW

Postcode *

2153

Sch 2.2(a)(ii)

Workers compensation

Is a compulsory Workers Compensation Policy maintained? *

- Yes
- No
- Not applicable

Details of inspection

Site/Workplace address

Address line 1 *

Woolworths Store

Address line 2

50-68 Comrie Street

Suburb *

WANNIASSA

State

ACT

Postcode *

2903

Notification of entry to (as required by s164) *

- PCBU
- Manager
- Supervisor
- HSR
- Other
- N/A

Inspector notes

1. I visited Woolworths Store in Erindale Shopping Centre. I saw a man driving a forklift with a pallet loaded with Woolworth's merchandise at the loading dock near the rear car park of Erindale Centre. 201
2. I stopped the man and had a conversation with him. He told me that his name was [redacted] and that he worked for Woolworths.
3. On my asking as to whether he drives the forklift on the footpath next to the bus stop on Comrie Street he replied "Yes, because that is the only way you can get stuff into the building". He showed me a door which opened on the footpath and said that the stuff which is unloaded from trucks is taken into the store through the door. He further told me that they were transferring materials like this because their materials hoist had not been working for some time. Otherwise the goods are lifted from a truck and paced on hoist which is then lowered and the packed merchandize is removed and placed on the stock room.
4. [redacted] then phoned his manager to come up to the loading dock. [redacted] the Duty Manager arrived soon and told me that they do transferring of pallets from the loading dock to the side door opening on the footpath early in the mornings when trucks come in around 3:30 am. And they finish transferring by 5:00 am. [redacted] further told me that they were getting their materials hoist in the loading dock repaired and were expecting that it would be fixed by 5th May.
5. She said that a builder was coming in on 30th April and would work on hoist on 30th April and 1st May 2018. For those two days they would not be unloading stuff at the loading dock, but from the front of the shopping centre on Denigan Street. I discussed the safety arrangements they would have in place during those two days. [redacted] explained to met that the arrangement for unloading the trucks on those two days with traffic cones placed on the footpath to warn people. All work would be done early in the mornings.
6. I emphasised that they should always have a spotter near the forklift whenever they were using the forklift on footpaths.

Further action

Further action required? *

Yes

No

Previous notice/s issued?

Yes

No

Finalisation details

WPV for asbestos related issue *

Yes No

Industry group *

Retail Trade

Time finished *

11:00

Disclaimer:

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Lead inspector email address *

harsh.puri@act.gov.au

How many other email addresses would you like to send this to? *

1

Email 1 *

Sch 2.2(a)(ii)

Privacy notice

The information collected for the purpose of the Work Health and Safety Act 2011 and is in accordance with the Information Privacy Act 2014. WorkSafe ACT prevents any unreasonable intrusion into person's privacy in accordance with the Privacy Act 1988 (C'With) and Information Privacy Act 2014. WorkSafe ACT provides identifiable information which can be disclosed to other law enforcement agencies and authorised organisations that have legal authority to request information under prescribed circumstances.

Initial information

Type of report *

Workplace Visit

Inspector ID *

P05772

Inspection number

WPV-P05772-TUQNTG

Event number

180501-000089

Lead inspector *

harsh puri

Is there any accompanying inspectors *

Yes No

Date *

15 May 2018

Time commenced *

11:40

Type of WPV *

Proactive Reactive

Purpose of WPV *

Complaint

Legislation *

Work Health and Safety Act 2011

Is this a joint inspection? *

Yes No

Name of individual or registered company *

Other

Name of individual or registered company *

Woolworths Ltd

ABN

ACN

000014675

Business or trading name (if different)

Woolworths Cooleman Court

Registered company address

Address line 1 *

1 Woolworths Way

204

Address line 2

Suburb *

Bella Vista

State *

NSW

Postcode *

2110

Contact name *

Sch 2.2(a)(ii)

Contact number *

Sch 2.2(a)(ii)

Email address *

Sch 2.2(a)(ii)

Workers compensation

Is a compulsory Workers Compensation Policy maintained? *

- Yes
- No
- Not applicable

Details of inspection

Site/Workplace address

Address line 1 *

Woolworths store

Address line 2

Coolleman Court, Brierly Street

Suburb *

WESTON CREEK D

State

ACT

Postcode *

2611

Notification of entry to (as required by s164) *

- PCBU
- Manager
- Supervisor
- HSR
- Other
- N/A

Inspector notes

- 205
1. Visited Cooleman Court in Weston Creek. While entering the shopping centre from its North car park, I observed a man using a tug to push a line of trolleys into the centre through the main doorway.
 2. I noted that the tug had a metal sheet cover and the tug was yellow in colour. No moving parts were exposed.
 3. While I was taking photos of the tug, a man came up to me and enquired as to what I was doing. I introduced myself to him and advised him that I had come because there had been a complaint that there was no guard on the moving parts of a tug being used in Cooleman Court. Then he told me that his name was **Sen 2-21111** and he was the store Manager of Woolworths. He further told me that the tug about which I was talking, was red in colour and had got smashed because it hit a trolley truck about a month ago. He said that when a customer reported the matter to him he contacted their trolley contractor and got it replaced. Now there were two yellow tugs there.
 4. I then met the man who was collecting trolleys outside the shopping centre. He told me that his name was **Sen 2-21111** and he worked for a company by the name of **Sen 2-21111** which had its headquarters in Sydney. He told me that earlier there were two red tugs which had broken covers. But now both had been replaced.

Further action

Further action required? *

Yes No

Previous notice/s issued?

Yes No

Finalisation details

WPV for asbestos related issue *

Yes No

Industry group *

Other Services

Time finished *

12:10

Disclaimer:

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Lead inspector email address *

harsh.puri@act.gov.au

How many other email addresses would you like to send this to? *

1

Email 1 *

Sch 2.2(a)(ii)

Privacy notice

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Initial information

Type of report *

Workplace Visit

Inspector ID *

5

Inspection number

WPV-P05546-VFZHQR

Event number

190121-002226

Lead inspector *

Andrew Woolgar

Is there any accompanying inspectors *

 Yes No

Item Number 1

Accompanying inspector/Other *

Inspector Peter MOLTSMANN

Date *

22 Jan 2019

Time commenced *

10:30

Type of WPV *

 Proactive Reactive

Purpose of WPV *

Complaint

Legislation *

Work Health and Safety Act 2011

Is this a joint inspection? *

 Yes No

Name of individual or registered company *

Other

Name of individual or registered company *

Woolworths Group Limited

ABN

88000014675

ACN

Business or trading name (if different)

Woolworth Franklin

208

Registered company address

Address line 1 *

1 Woolworths Way

Address line 2

Suburb *

Bella Vista

State *

NSW

Postcode *

2153

Sch 2.2(a)(ii)

Workers compensation

Is a compulsory Workers Compensation Policy maintained? *

- Yes
- No
- Not applicable

Details of inspection

Site/Workplace address

Address line 1 *

51 Nullarbor Ave

Address line 2

Suburb *

FRANKLIN

State

ACT

Postcode *

2913

Notification of entry to (as required by s164) *

PCBU

Manager

Supervisor

HSR

Other

N/A

209

Inspector notes

On the 22/01/2019 at 10:30 Inspector Peter MOLTMANN and I undertook an assessment of the Complaint. We introduced ourselves to Sch 2-2(a)(1) Assistance Manager and outline the issues raised within the complaint.

informed us:

- The store is only two years old
- The store is within a body corporate arrangement, and Woolworth has the response to manage internal store issues.
- Concerns about the concrete crumbling on the ramp between the loading dock and the cool room and storage area has been occurring for a while.
- Temporary repairs (two or three times) have been undertaken in the past to cover these holes within the concrete.
- Temporary repairs have been stopped while a permanent solution can be developed and approved.
- The issue has been escalated to the Group Manager, who escalates the issue to State Manager, etc. to access appropriate resources to permanently fix the issue.
- There is no timeframe on when or if appropriate resources will be allocated to address this issue
- A safe work practice has been introduced whereby two workers are required to push cages up or down the ramp.
- Workers have been instructed on the safe work practice
- There has been no reported injury related to the manual handling hazard using this ramp.

Undertook a site assessment the loading ramp. Holes and breaks in the thin concrete top layer of the ramp are clearly evident which show the soil substrate. The holes and breaks are scattered across ramp and not providing a clear path of travel up and down the ramp.

Also, another ramp of the same design is starting to show holes in the this concrete top layer of the ramp.

Moreover, advice was provided at a competent person assess and repair the cool room exhaust fan power switch which is damaged.

Further action

Further action required? *

Yes

No

Previous notice/s issued?

Yes

No

Finalisation details

Photos

Other attachments (documents)

WPV for asbestos related issue *

Yes No

Industry group *

Retail Trade

Compliant at initial proactive inspection? *

Yes No

Time finished *

11:00

Disclaimer:

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Lead inspector email address *

Andrew.Woolgar@act.gov.au

How many other email addresses would you like to send this to? *

1

Email 1 *

Sch 2.2(a)(ii)

Privacy notice

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Initial information

Type of report *

Workplace Visit

Inspector ID *

2

Inspection number

WPV-P05772-VFYF2D

Event number

190124-001801

Lead inspector *

harsh puri

Is there any accompanying inspectors *

Yes No

Date *

25 Jan 2019

Time commenced *

11:45

Type of WPV *

Proactive Reactive

Purpose of WPV *

Complaint

Legislation *

Work Health and Safety Act 2011

Is this a joint inspection? *

Yes No

Name of individual or registered company *

Other

Name of individual or registered company *

Woolworths Petrol Ltd

ABN

ACN

000014675

Business or trading name (if different)

Woolworths Caltex

Registered company address

Address line 1 *

1 Woolworths Way

212

Address line 2

Suburb *

Bella Vista

State *

NSW

Postcode *

2153

Sch 2.2(a)(ii)

Workers compensation

Is a compulsory Workers Compensation Policy maintained? *

- Yes
- No
- Not applicable

Details of inspection

Site/Workplace address

Address line 1 *

Woolworths Caltex

Address line 2

Mustang Avenue, Majura Park

Suburb *

MAJURA D

State

ACT

Postcode *

2609


Notification of entry to (as required by s164) *

- PCBU
- Manager
- Supervisor
- HSR
- Other
- N/A

Inspector notes

1. Visited Woolworths Caltex servo in Majura Park. Met [REDACTED] the Store Manager and [REDACTED] the console operator who was present on Wednesday 23rd Jan evening when the incident had taken place. 213
2. [REDACTED] told me that at that time (around 18:30) last evening a customer had come in the shop and spoken to him very rudely and loudly "There is a customer on the phone" and pointed to bowser 7/8. [REDACTED] said that he was at the console at that time and looked out of the window in that direction but couldn't see anyone on phone. He saw the person filling their car but they were not using a mobile phone. [REDACTED] then replied "He wasn't on the phone".
3. Then the customer said "This is the reason why we all are going to die" or something like that (as [REDACTED] could recall). And then the customer stormed out and said that he was going to report the matter to WorkSafe,
4. [REDACTED] showed me a paper sheet which had the policy of the company regarding the response to be taken by servo staff in case any customer is using mobile phone or electronic devices. According to this policy the risk of petrol vapour igniting due to electronic devices was low but the company maintained that these devices should not be used. Customer should be advised politely not to use the same.
5. [REDACTED] then went through the security camera video recording of Wednesday 23rd Jan from 18:10 onwards while I watched. I could see a man holding a jerry can with one hand and his mobile phone with the other hand and talking on the phone. He was behind the a car which was being filled at bowser 8. Because the man was pacing up and down while on the phone, he would frequently disappear behind the bowser.
6. At around 18:12 [REDACTED] showed a recording of inside the shop. [REDACTED] identified the man who walked up to the shop counter as the customer who complained about the other person who was on his mobile phone. [REDACTED] explained that when the complaint was made to him, the person with the jerry can had not even started filling.
7. I asked [REDACTED] whether he had laughed when the customer made the complaint to him and say that the Management had told him not to stop public from using mobile phones. [REDACTED] specifically denied that he laughed or mention anything about the company policy regarding the use of mobile phones.

Further action

Further action required? 

Yes

No

Previous notice/s issued?

Yes

No

Finalisation details

Photos

Other attachments (documents)

WPV for asbestos related issue *

Yes No

Industry group *

Retail Trade

Time finished *

12:45

Disclaimer:

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Lead inspector email address *

harsh.puri@act.gov.au

How many other email addresses would you like to send this to? *

1

Email 1 *

Sch 2.2(a)(ii)

Privacy notice

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Initial information

Type of report *

Workplace Visit

Inspector ID *

P05772

Inspection number

WPV-P05772-X707YO

Event number

200710-002757

Lead inspector *

harsh puri

Is there any accompanying inspectors *

Yes No

Date *

15 Jul 2020

Time commenced *

11:15

Type of WPV *

Proactive Reactive

Purpose of WPV *

Complaint

Legislation *

Work Health and Safety Act 2011

Is this a joint inspection? *

Yes No

Name of individual or registered company *

Other

Name of individual or registered company *

Woolworths Group Ltd

ABN

ACN

000014675

Business or trading name (if different)

Registered company address

Address line 1 *

1 Woolworths Way

216

Address line 2

Suburb *

Bella Vista

State *

ACT

Postcode *

2153

Sch 2.2(a)(ii)

Workers compensation

Is a compulsory Workers Compensation Policy maintained? *

- Yes
- No
- Not applicable

Details of inspection

Site/Workplace address

Same as registered address

Address line 1 *

Woolworths Store

Address line 2

Dickson Place

Suburb *

DICKSON

State

ACT

Postcode *

2602

Notification of entry to (as required by s164) *

- PCBU
- Manager
- Supervisor
- HSR
- Other
- N/A

1. I visited Woolworths Store in Dickson Place, and met [Sch 2 2(a)] the Store Manager. I advised him about the complaint which WorkSafe had received with respect to inadequate measures related to COVID control and requested him to show me the arrangements he had in place. 217
2. [redacted] took me to the main entrance on the North side and pointed me the dispenser of antibacterial wipes and an automatic dispenser of liquid hand sanitizer installed near the entrance. I also noted that there were signs fixed on the glass wall at the entrance advising customers to keep safe distance.
3. Then I looked at the entrance on the East side of the store which was near the self check out registers. There was no liquid sanitizer dispenser or antibacterial wipes there. I told Brett that the Safe Work Australia code of practice advised to have antibacterial wipes and or liquid sanitizer near each entrance.
4. After this, I had a look at the two entrances at the back of the store - one facing East and another one facing South. There was a antibacterial wipes dispenser kept near these entrances.
5. I then went into the store past the checkout registers and observed that round stickers were stuck on the floor advising people to stand on them. These were placed about 1.8 metres apart near the check out registers so that customers who que up, maintain a safe distance from each other.
6. I enquired about cleaning and disinfecting procedures in the store. Brett showed a lady wiping carry basket handles with some Aussian L42 Disinfectant. He told me that the lady was there in the store every day from 10 am to 2 pm and that she wipes handles of plastic bucket and handles of shopping trolleys. In the evening this work is done by checkout and service staff.
7. [redacted] further told me that self checkout registers were cleaned by the SC Attendant once every hour. They use J512 sanitizer to clean the registers. The checkout registers are cleaned by check-out staff every time they log into one register.
8. [redacted] then took me downstairs in their office and showed me a weekly sweeping log sheet which is a record of the checks conducted regarding cleaning by the Service supervisor. In addition to the Service Supervisor the service desk staff keep an eye on wipes and sanitizer dispensers to ensure that these are not empty.
9. [redacted] agreed to keep the entrance door on the East side near self checkouts closed because there was there were no antibacterial wipes or hand sanitizing liquid dispenser near that entrance. He also agreed to put up signs regarding the maximum capacity of the store which he said was 200 persons based on 4 square metre rule.
10. I discussed the control measures that were needed to limit the number of people in the store with [redacted]. He told me that staff had counter app on their mobiles to count the number of people and also a mechanical counter. From experience he knew that they never get the full capacity in store even during the peak times. But he did agree that on weekends and afternoons 4:30 pm to 6 pm the store becomes quite busy. I advised him to have suitable measures to control the number of people coming in, because having four entrances in the store makes it difficult to keep a check. If required some other entrances may have to be closed during peak times and a security guard be employed during the peak times to advise the people to wait in a que, till there is space in the store.

Further action

Further action required? *

Yes No

Previous notice/s issued?

Yes No

Finalisation details

Photos

Other attachments (documents)

WPV for asbestos related issue *

Yes No

Industry group *

Retail Trade

Time finished *

12:09

Disclaimer:

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Lead inspector email address *

harsh.puri@act.gov.au

How many other email addresses would you like to send this to? *

1

Sch 2.2(a)(ii)

Privacy notice

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Initial information

Type of report *

Workplace Visit

Inspector ID *

Inspection number

WPV-P05554-3BK4YQ

Event number

200812-000189

Lead inspector *

Jodie Fletcher

Is there any accompanying inspectors *

Yes

No

Item Number 1

Accompanying inspector/Other *

Tamara Teer

Date *

07 Aug 2020

Time commenced *

10:30

Type of WPV *

Proactive

Reactive

Purpose of WPV *

Complaint

Legislation *

Work Health and Safety Act 2011

Is this a joint inspection? *

Yes

No

Name of individual or registered company *

Other

Name of individual or registered company *

Woolworths

ABN

88000014675

ACN

Business or trading name (if different)

Woolworths Woden

220

Registered company address

Address line 1 *

Westfield Woden

Address line 2

Hindmarsh Drive & Melrose Drive

Suburb *

Phillip

State *

ACT

Postcode *

2602

Sch 2.2(a)(ii)

Workers compensation

Is a compulsory Workers Compensation Policy maintained? *

- Yes
- No
- Not applicable

Details of inspection

Site/Workplace address

Same as registered address

Notification of entry to (as required by s164) *

- PCBU
- Manager
- Supervisor
- HSR
- Other
- N/A

Inspector notes

Inspectors Fletcher and Teer attended business after receiving complaint in regards to a medical issue that occurred on Wednesday 5 August 2020 involving a Woolworths staff member. 221

Inspectors met with [REDACTED] (Acting Store Manager) and [REDACTED] (Store Leader) and discussions identified the following:

* Staff member was not admitted to hospital was observed and allowed to return home, therefore is not notifiable to Worksafe but has been logged in the PULSE system within Woolworths.

* Have had similar incident in the past with this staff member [REDACTED] and she is normally removed from register to have some time out before returning to work.

* [REDACTED] (Assistant Store Manager) has been in contact with staff member since incident and she is ok rostered to work next week.

* Incident is currently being reviewed, as normal process was not followed - unsure why first aid officer wasn't called for.

* Currently in process of conducting "Team Talks" around the incident.

* More staff are being trained in First Aid.

* Next of Kin for staff member was entered incorrectly so unable to contact someone - have had all staff check details are correct and up to date.

* Woolworths Group have a 'Wellness App' available for staff to assist with Mental Health issues, Counselling services are also available for staff and various posters are located throughout the staff areas with contact details.

Inspector Fletcher has requested a review of current policy/procedures relating to incidents be reviewed and changes made as required and to re-induct staff into these and the expected process to be followed in light of this incident.

Inspector Fletcher also requested a copy of the completed "Team Talks" and internal review report be forwarded to Jodie.Fletcher@act.gov.au.

Further action

Further action required? *

Yes

No

Further inspections required? *

Yes

No

Selecting 'Yes' to the above question will cause a revisit task to be created in your task list

Notices issued *

Yes

No

Previous notice/s issued?

Yes

No

Finalisation details

Photos

Other attachments (documents)

WPV for asbestos related issue *

Yes No

Industry group *

Retail Trade

Time finished *

11:00

Disclaimer:

The issues identified during this Inspection are only indicative of compliance with the Work Health and Safety Act 2011, Work Health and Safety Regulation 2011, Dangerous Substance Act 2004 and Workers Compensation Act 1951 on the date of the Inspection. If compliance is identified during this Inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Lead inspector email address *

Jodie.Fletcher@act.gov.au

How many other email addresses would you like to send this to? *

2

Email 1 *

Sch 2.2(a)(ii)

Email 2 *

Tamara.Teer@act.gov.au

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Report a Workplace Concern or Issue - Submission confirmation

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

Date and time

Reference code

17 Dec 2020 10:28:51 AM

SPZH4K5N

WorkSafe ACT

PO Box 158
Canberra ACT 2601

Phone: 13 22 81
Email: worksafe@act.gov.au

Report a Workplace Concern or Issue

Concern/issue details

If this matter is a notifiable incident in accordance with sections 35 to 39 of the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulations 2011* please complete the Notifiable Incident Report form (<https://form.act.gov.au/smartforms/landing.htm?formCode=1282>).

WorkSafe category *

Workplace health and safety complaint

Workplace name *

Woolworths Hawker

Please provide any additional information that may assist WorkSafe ACT in resolving your issue or answering your enquiry (for example: what, when, what you thought was wrong, who was involved) *

Caller (customer) reporting she tripped on a mat at the entrance to Woolworths Hawker and sustained injury to her ankle, knees and shoulder - went to hospital to be checked. She is concerned that a lot of supermarkets have these mats throughout the stores and they are a trip hazard, especially to elderly customers. She believes they should have a duty of care to both customers and staff.

Unable to contact inspector - advised [redacted] e someone will call her soon.

Could someone please follow this up?

Attach an image or other information to support your report or enquiry

Workplace address (if known)

Enter the address or search/mark the location on the map

Address line 1

Address line 2

Suburb

State

Postcode

ACT

Your contact information

 Submit anonymously

Title Given name * Family name *

Sch 2.2(a)(ii)

 Yes No



Report a Workplace Concern or Issue - Submission confirmation

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

Date and time

Reference code

29 Nov 2020 7:59:58 AM

XF89XXP7

WorkSafe ACT

PO Box 158
Canberra ACT 2601

Phone: 13 22 81
Email: worksafe@act.gov.au

Report a Workplace Concern or Issue

Concern/issue details

If this matter is a notifiable incident in accordance with sections 35 to 39 of the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulations 2011* please complete the Notifiable Incident Report form (<https://form.act.gov.au/smartforms/landing.htm?formCode=1282>).

WorkSafe category *

Healthier Work

Workplace name *

Woolworths Fickson

Please provide any additional information that may assist WorkSafe ACT in resolving your issue or answering your enquiry (for example: what, when, what you thought was wrong, who was involved) *

The male portable toilets in the back dock area. 3meters away from fresh fruit and vegetables. 5 meters away from the shop floor.

No proactive ways to stop the smell, over flowing at times.

Attach an image or other information to support your report or enquiry

Workplace address (if known)

Enter the address or search/mark the location on the map

Address line 1

1 DICKSON PL

Address line 2

Suburb

DICKSON

State

ACT

Postcode

2602

Your contact information

WORK PLACE VISIT REPORT

Initial Information

Inspection Number: 00057604

Lead inspector: Harsh PURI Inspector ID: [REDACTED]

Is there any accompanying inspectors: No

Type of visit: Reactive

Date of visit: 19/03/2021

Legislation visit conducted under: WHS

Purpose of visit: Other

Entity information

Type of entity: Business Entity

Name of individual or registered company: WOOLWORTHS GROUP LIMITED

Trading as: BIG W

ACN:

ABN: 88000014675

Industry Group: Retail

Address: Bella Vista NSW 2153

Sch 2.2(a)(ii)

Details of visit

Address: Bella Vista NSW 2153

Notification of entry to (as required by s164): PCBU

Were any potential breaches of the legislation identified? No

Inspector notes:

I visited Woolworths Store in Franklin on the corner of Flemington Road and Nullarbar Avenue. I met [REDACTED] the Duty Manager. I told him that I had come in relation to an dangerous incident notified by Woolworths Safety Specialist [REDACTED]. He then took me to the loading dock and took me down a ramp to the lower dock. He pointed to a roller door at the entrance for trucks. He said that a staff of Franklin Store [REDACTED] was operating the key switch mounted on a wall next to roller door to close it, when an angle iron fell on his head.

I looked up to the ceiling to see if any steel structures were loose which could indicate as to where the angle iron had fallen from. But I could not see any loose structures. All steel fixing were rigidly fixed. I then asked [REDACTED] to operate the door to open it slowly. He operated the door slowly in stages. I observed that it was a huge door which slid on rollers at the bottom. About three quarters of its height, the door was held by a channel welded to the door and which slid in a bracket.

When the door was fully closed, [REDACTED] noted that the angle which fell could have come from the door itself.

From a distance I could see that there was a change in colour near the top of the door. Then [REDACTED] brought the angle which had fallen down. I observed that it was a thin section angle 50x50 mm and about 1.2 m long; and only about 0.5 mm thick. Looking at the angle I could concluded that the angle had most probably fallen from that location on the door.

While the door was in near closed position, I applied some lateral force (horizontal) to check its stability. I felt that the door was not very rigid vertically. I explained my concerns to Joshua that I felt that only one support to the door on top may not be adequate and advised him to not to operate the door till this was checked out by a competent person. I advised him to keep the door open till that time.

Before leaving the premises I phoned [REDACTED] and advised him of my concern and instruction to [REDACTED] I told him a Prohibition Notice will follow later.

Disclaimer: The issues identified during this inspection are only indicative of compliance with the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2011, the Dangerous Substances Act 2004 and the Workers Compensation Act 1951 on the date of the inspection. If compliance is identified during this inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Further action

Further action required: Yes

Previous notice/s issued (either written or verbal)?

Contacts

Lead inspector email address: harsh.puri@act.gov.au

Recipient/s of this form

Sch 2.2(a)(ii)

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PROHIBITION NOTICE

This is a Prohibition Notice issued under section 195 of the Work Health and Safety Act 2011

Information

Notice number N-0000001036

Issued By: Harsh PURI

ID number: [REDACTED]

To whom this notice is issued

Name of registered company: WOOLWORTHS GROUP LIMITED

Business or trading name: BIG W

ABN: 88000014675

Registered Address: 1 Woolworths Way suburb: Bella Vista state: NSW postcode: 2153

Site address: Corner Flemington Road and Nullarbor Ave suburb: Harrison state: ACT postcode: 2914

Method of service: Email

Served on: [REDACTED]

Date of issue: 20/03/2021

A verbal instruction was not issued.

Description

The provision that the inspector believes is being, or is likely to be, contravened by the activity (s196(1)(c)) is **WHS Acts** Section number - **19**

You are prohibited from carrying on the following activity, or the carrying on of the activity in a specified way:

Operating the roller door (gate) at the trucks entrance of the lower dock till it is examined by a competent person from the roller door industry.

until the inspector is satisfied that the matters that give or will give rise to the risk have been remedied (s195(2)). The inspector reasonably believes that grounds for the issue of this notice exist (s195(1)), i.e. (a) an activity is occurring at a workplace that involves, or will involve, a serious risk to the health or safety of a person emanating from an immediate exposure to a hazard; or (b) an activity may occur at a workplace that, if it occurs, will involve a serious risk to the health or safety of a person emanating from an immediate or imminent exposure to a hazard.

Basis for belief (s196(1)(a))

One angle iron appears to have dislodged from the roller door and the vertical stability of the door could have been compromised. An assessment of stability indicated that the door is supported only at one point at approximately three quarters height from the ground level, for vertical stability. This may not be adequate.

Briefly, the activity that the inspector believes involves or will involve the risk, and the matters that gave or will give rise to the risk (s196(1)(b))

The consequences of the door tipping flat on the ground can be very grave. It is a very heavy door and the surface area is a few square metres. High winds can exert a lot of force on the door and cause the holding bracket to fail and door to fall.

This Notice may include directions concerning the measures to be taken to remedy the risk or contravention. You must comply with the direction

Engage a competent person at least supervisory level to examine the door and advise whether it is adequately secured for stability. If they decide it is stable then the operation of the door can be resumed. A brief report about examination should be provided to WorkSafe.

The inspector recommends that you:



See over for important information on your rights and responsibilities.

Prohibition Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom a Prohibition notice is issued must comply with the notice (s197). The maximum penalty for failing to comply with this requirement is \$100,000 for an individual or \$500,000 for a corporation.

Regulator may carry out action

If a person to whom a prohibition notice is issued fails to take reasonable steps to comply with the notice, and after giving written notice of its intentions and the persons liability for the costs, the regulator (WorkSafe ACT) may take any remedial action it believes reasonable to make the workplace or situation safe (s 211). The regulator may then recover the reasonable costs of taking this remedial action (s213).

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Prohibition notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies.

WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days. You may also make an application for the reviewer to stay the operation of the Prohibition notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: [Worksafe @act.gov.au](mailto:Worksafe@act.gov.au)

Phone: (02) 6207 3000

Fax:(02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

PROHIBITION NOTICE

This is a Prohibition Notice issued under section 195 of the Work Health and Safety Act 2011

Information

Notice number N-0000001036

Issued By: Harsh PURI

ID number: [REDACTED]

To whom this notice is issued

Name of registered company: WOOLWORTHS GROUP LIMITED

Business or trading name: BIG W

ABN: 88000014675

Registered Address: 1 Woolworths Way suburb: Bella Vista state: NSW postcode: 2153

Site address: Corner Flemington Road and Nullarbor Ave suburb: Harrison state: ACT postcode: 2914

Method of service: Email

Served on: [REDACTED]

Date of issue: 20/03/2021

A verbal instruction was not issued.

Description

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Basis for belief (s196(1)(a))

One angle iron appears to have dislodged from the roller door and the vertical stability of the door could have been compromised. An assessment of stability indicated that the door is supported only at one point at approximately three quarters height from the ground level, for vertical stability. This may not be adequate.

Briefly, the activity that the inspector believes involves or will involve the risk, and the matters that gave or will give rise to the risk (s196(1)(b))

The consequences of the door tipping flat on the ground can be very grave. It is a very heavy door and the surface area is a few square metres. High winds can exert a lot of force on the door and cause the holding bracket to fail and door to fall.

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Regulator may carry out action

If a person to whom a prohibition notice is issued fails to take reasonable steps to comply with the notice, and after giving written notice of its intentions and the persons liability for the costs, the regulator (WorkSafe ACT) may take any remedial action it believes reasonable to make the workplace or situation safe (s 211). The regulator may then recover the reasonable costs of taking this remedial action (s213).

Contents of Notice

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A review may be sought within 14 days. You may also make an application for the reviewer to stay the operation of the Prohibition notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

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You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: [Worksafe @act.gov.au](mailto:Worksafe@act.gov.au)

Phone: (02) 6207 3000

Fax:(02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

NOTIFICATION OF INCIDENT FORM

Incident Number 00061379

Firstly tell us if you notified WorkSafe ACT by phone of this incident? Yes

When did you notify? 19/03/2021

Your name:

Your mobile number:

Who did you speak to in WorkSafe?

Incident Type Dangerous Incident

Dangerous Incident The fall or release from a height of any plant substance or thing

Date of incident: 19/03/2021

Time of incident: 04:10 PM

Address of incident:

Cnr Nullarbor Ave and Flemington Rd, enter from Waraker St, Franklin ACT 2913 -

Describe the incident and sequence of events (include any plant or equipment involved):

A team member was struck in above the eyebrow when a piece of angle (5cm x 5cm x 1.2 meter, 1kg) fell 4 metres. The team member sustained a scratch above the left eyebrow. The angle was secured with tek screws and had sheared off over time from the gate being operating.

Does the incident relate to a utility asset?

Yes

Did the incident involve dangerous substances?

No

Entity Type: Business Entity

Entity Name: Woolworths Group Limited

ACN: 000014675

ABN: 88000014675

Address Details:

Cnr Nullarbor Ave and Flemington Rd, enter from Waraker St, Franklin ACT 2913 -

Added Injured / Ill Person

Title	DOB	Address	Phone	Relationship	Received Treatment	Admitted to Hospital
Sch 2.2(a)(ii)						

What actions have been taken to immediately rectify the problem?

The gate remained open until a technician arrives to inspect for safe use of the gate and not other material that could fall from height

What actions are planned to be taken long term to prevent a similar incident?

Review maintenance schedule with the building manager to regular inspection

Details of person completing this form:

Sch 2.2(a)(ii)

WORK PLACE VISIT REPORT

Initial Information

Inspection Number: 00064558

Lead inspector: Harsh PURI Inspector ID: [REDACTED]

Is there any accompanying inspectors: Yes

Ben Palmer

Ben Palmer

Type of visit: Reactive

Date of visit: 20/04/2021

Legislation visit conducted under: WHS

Purpose of visit: Other

Entity information

Type of entity: Business Entity

Name of individual or registered company: Woolworths Group Ltd

Trading as: Woolworths Franklin Store

ACN: 00014675

ABN:

Industry Group:

Address: Harrison ACT 2914

Sch 2.2(a)(ii)

Details of visit

Address: Flemington Road Franklin ACT 2913

Notification of entry to (as required by s164): PCBU

Were any potential breaches of the legislation identified? No

Inspector notes:

I visited Woolworths store in Franklin with Inspector Ben Palmer. From the car park we walked around the building to the main entrance of the lower loading dock facing Flemington Road. I noted that the roller gate on the lower loading dock was in open position. A 'Do not operate' tag was on the switch of the roller gate indicating that it was out of service.

I then walked to the customer entrance of Woolworths store where I met [REDACTED] the Duty Manager. She said that the building owner had got a door specialist yesterday who had a look at the door and was now going to sign off on it.

Disclaimer: The issues identified during this inspection are only indicative of compliance with the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2011, the Dangerous Substances Act 2004 and the Workers Compensation Act 1951 on the date of the inspection. If compliance is identified during this inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Further action

Further action required:

Previous notice/s issued (either written or verbal)? Yes

Type of notice: Prohibition

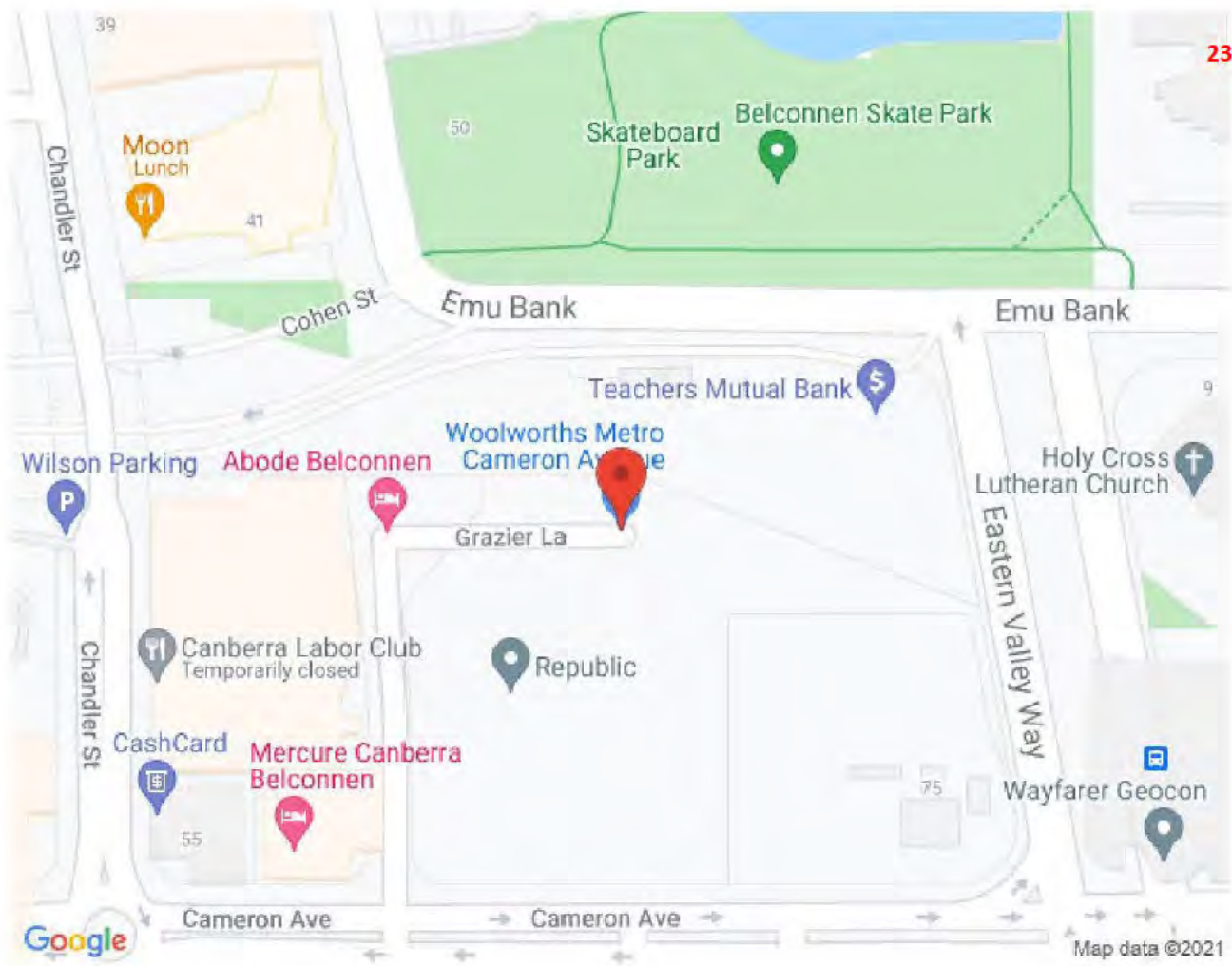
Contacts

Lead inspector email address: harsh.puri@act.gov.au

Recipient/s of this form

Sch 2.2(a)(ii)

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Your contact information

Submit anonymously

Sch 2.2(a)(ii)

Would you like to receive a response?

- Yes
- No

NOTIFICATION OF INCIDENT FORM
Incident Number 00061379

Firstly tell us if you notified WorkSafe ACT by phone of this incident? Yes
When did you notify? 19/03/2021

Your name:
Your mobile number:
Who did you speak to in WorkSafe?
Incident Type Dangerous Incident

Dangerous Incident The fall or release from a height of any plant substance or thing

Date of incident: 19/03/2021

Time of incident: 04:10 PM

Address of incident:

Cnr Nullarbor Ave and Flemington Rd, enter from Waraker St, Franklin ACT 2913 -

Describe the incident and sequence of events (include any plant or equipment involved):

A team member was struck in above the eyebrow when a piece of angle (5cm x 5cm x 1.2 meter, 1kg) fell 4 metres. The team member sustained a scratch above the left eyebrow. The angle was secured with tek screws and had sheared off over time from the gate being operating.

Does the incident relate to a utility asset?

Yes

Did the incident involve dangerous substances?

No

Entity Type: Business Entity

Entity Name: Woolworths Group Limited

ACN: 000014675

ABN: 88000014675

Address Details:

Cnr Nullarbor Ave and Flemington Rd, enter from Waraker St, Franklin ACT 2913 -

Added Injured / Ill Person

Title	DOB	Address	Phone	Relationship	Received Treatment	Admitted to Hospital
Sch 2.2(a)(ii)						

What actions have been taken to immediately rectify the problem?

The gate remained open until a technician arrives to inspect for safe use of the gate and not other material that could fall from height

What actions are planned to be taken long term to prevent a similar incident?

Review maintenance schedule with the building manager to regular inspection

Details of person completing this form:

Sch 2.2(a)(ii)



Report a Workplace Concern or Issue - Submission confirmation

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

Date and time

Reference code

13 Sep 2021 9:26:35 PM

Q7FH92DK

WorkSafe ACT

PO Box 158
Canberra ACT 2601

Phone: 13 22 81
Email: worksafe@act.gov.au

Report a Workplace Concern or Issue

Concern/issue details

If this matter is a notifiable incident in accordance with sections 35 to 39 of the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulations 2011* please complete the Notifiable Incident Report form (<https://form.act.gov.au/smartforms/landing.htm?formCode=1282>).

WorkSafe category *

Workplace health and safety complaint

Workplace name *

Woolworths Franklin

Please provide any additional information that may assist WorkSafe ACT in resolving your issue or answering your enquiry (for example: what, when, what you thought was wrong, who was involved) *

This workplace has been deemed a casual contact, in relation to the covid-19 pandemic, twice in the last two weeks and there have been reports of employee's being told to still report to work and not follow ACT Health recommendations to get tested and quarantine. There has been insufficient communication provided to employees regarding the location being named as an exposure location in the first place, let alone how staff should proceed to follow the health advice.
This is a health concern to all staff and customers who visit the store!
The store manager, second in charge and all department managers are culpable.

Attach an image or other information to support your report or enquiry

Workplace address (if known)

Enter the address or search/mark the location on the map

Address line 1

51 NULLARBOR AV

Address line 2

Suburb

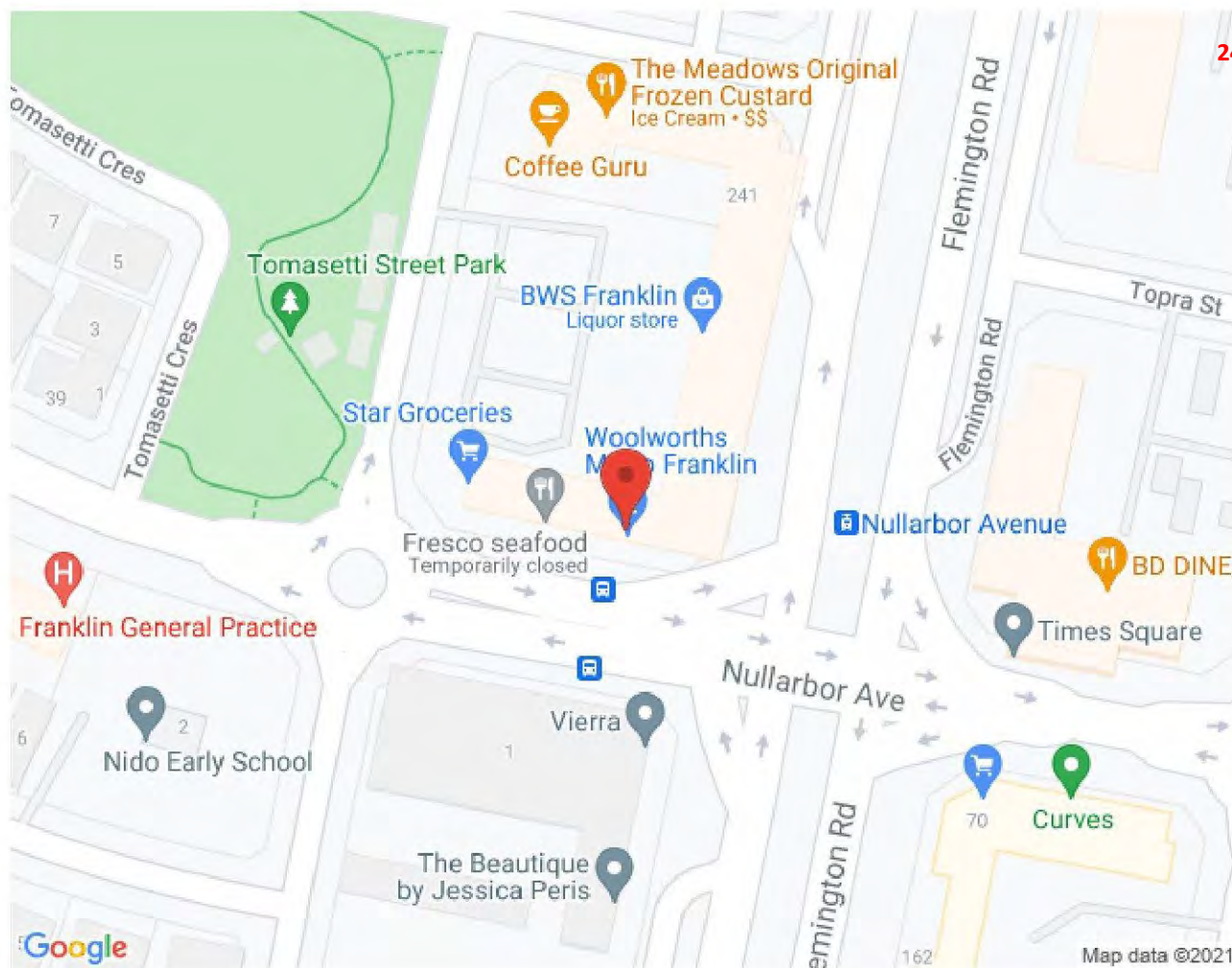
FRANKLIN

State

ACT

Postcode

2913



Your contact information

Submit anonymously



Report a Workplace Concern or Issue - Submission confirmation

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

Date and time

Reference code

08 Oct 2021 3:40:47 PM

CNCN3CNC

WorkSafe ACT

PO Box 158
Canberra ACT 2601

Phone: 13 22 81
Email: worksafe@act.gov.au

Report a Workplace Concern or Issue

Concern/issue details

If this matter is a notifiable incident in accordance with sections 35 to 39 of the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulations 2011* please complete the Notifiable Incident Report form (<https://form.act.gov.au/smartforms/landing.htm?formCode=1282>).

WorkSafe category *

Notifiable W H & S incident

Workplace name *

Woolworths

Please provide any additional information that may assist WorkSafe ACT in resolving your issue or answering your enquiry (for example: what, when, what you thought was wrong, who was involved) *

Covid positive case of Woolworths worker
Woolworths Belconnen - 1/6 Grazier Lane
ACT health aware
Staff member - **Sec 2.2(a)(i)**
Exposure Tuesday 5/10 6am to 3pm & Wednesday 6/10 6-7.30am

Attach an image or other information to support your report or enquiry

Workplace address (if known)

Enter the address or search/mark the location on the map

Address line 1

REPUBLIC UNIT 1 6 GRAZIER LANE

Address line 2

Suburb

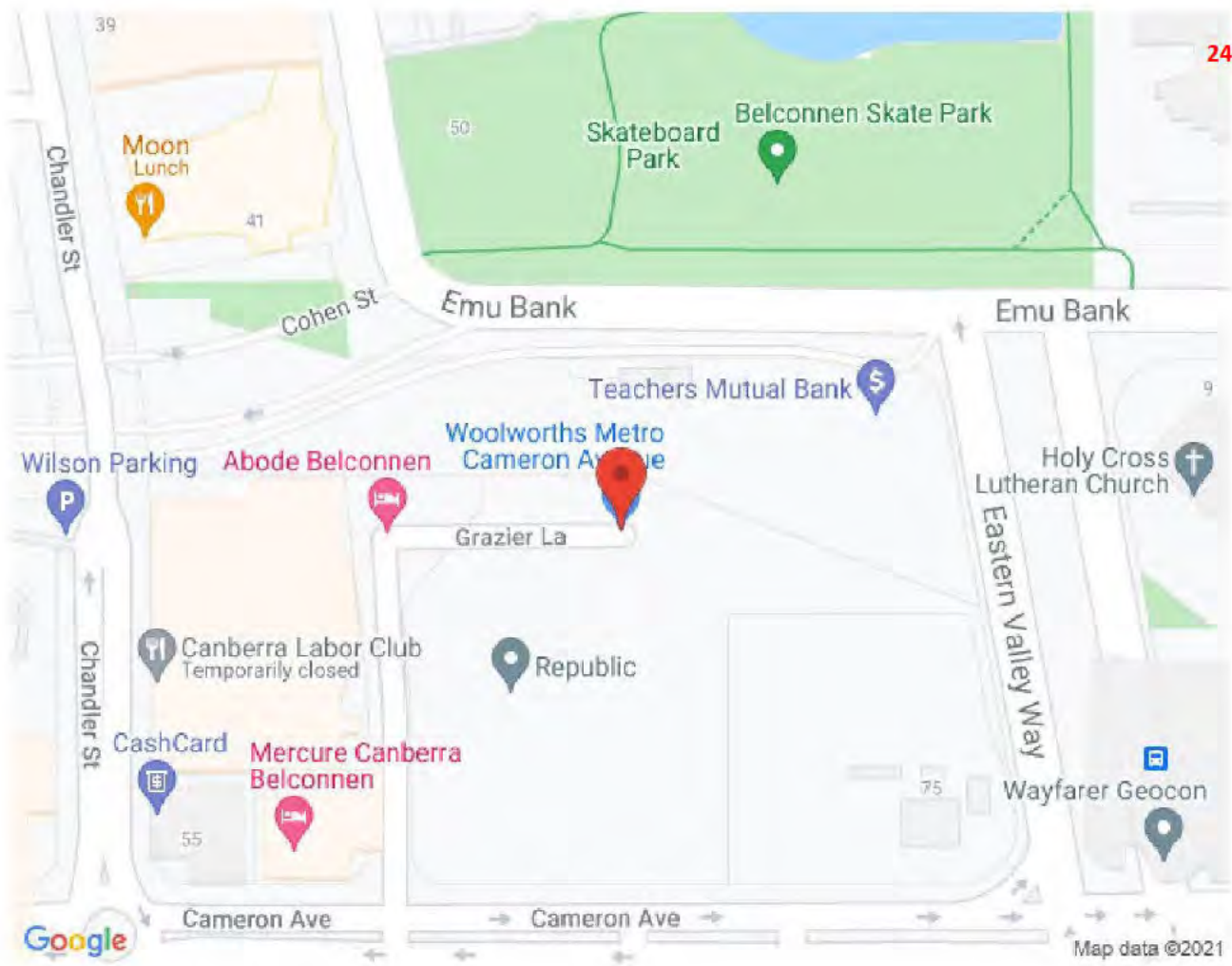
BELCONNEN

State

ACT

Postcode

2617



Your contact information

Submit anonymously

Sch 2.2(a)(ii)

Would you like to receive a response?

- Yes
- No

WORK PLACE VISIT REPORT

Initial Information

Inspection Number: 00121831

Lead inspector: Jodie FLETCHER Inspector ID: [REDACTED]

Is there any accompanying inspectors: No

Type of visit: Reactive

Date visit commenced: 19/05/2022

Legislation visit conducted under: WHS

Purpose of visit: Audit

Entity information

Type of entity: Business Entity

Name of individual or registered company: Woolworths

Trading as: Woolworths Belconnen

ACN:

ABN: 88000014675

Industry Group: Retail

Address: 18 Benjamin Way Belconnen ACT 2617

Contact Name:

Contact Number:

Contact Email:

Details of visit

Address: Tuggeranong Southpoint, Cnr Anketell & Reed Street Tuggeranong ACT 2900

Notification of entry to (as required by s164): PCBU

Were any potential breaches of the legislation identified? No

Inspector notes:

On 19/05/2022 at 11:40 am Inspector Fletcher attended Woolworths located at on Anketell Street, Greenway ACT to follow up on notification received in relation to the air-conditioning not working properly in the staff room and heat levels on the loading dock during warmer months.

Inspector Fletcher met with Store Manager [REDACTED] Sch 2.2(a)(i) and observation and discussion revealed the following:

- Staff room air conditioning system appears to be operational at this point in time
- Assistant manager [REDACTED] recalls previous store manager complaining about the staff room but unsure if someone came out to check
- Loading dock has a "fan deck" directly next to it and they generate warm air
- Once truck is unloaded it is brought inside and roller door put down to minimise heat coming inside
- Staff are rotated to complete unloading tasks

- Cold water is provided to workers and they can take breaks in the cooler store if overcome with heat

will check through documentation to see if either incident has been raised through HSR committee and if so where the follow up got to. Will also hold a safety talk with staff to remind them if they have an issue or feel uncomfortable on the back dock they can speak up and tasks will be changed around.

Disclaimer: The issues identified during this inspection are only indicative of compliance with the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2011, the Dangerous Substances Act 2004 and the Workers Compensation Act 1951 on the date of the inspection. If compliance is identified during this inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Previous action

Previous notice/s issued (either written or verbal)? No

Contacts

Lead inspector email address: jodie.fletcher@act.gov.au

Recipient/s of this form

Sch 2 2(a)(iii)

Email 2:

Privacy Notice: The information collected for the purpose of the Work Health and Safety Act 2011 and is in accordance with the Information Privacy Act 2014. WorkSafe ACT prevents any unreasonable intrusion into person's privacy in accordance with the Privacy Act 1988 (C'Wlth) and Information Privacy Act 2014. WorkSafe ACT provides identifiable information which can be disclosed to other law enforcement agencies and authorised organisation that have legal authority to request information under prescribed circumstances.



Report a Workplace Concern or Issue - Submission confirmation

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

Date and time

Reference code

12 Jul 2022 10:43:02 PM

2VCTLPMH

WorkSafe ACT

PO Box 158
Canberra ACT 2601

Phone: 13 22 81
Email: worksafe@act.gov.au

Report a Workplace Concern or Issue

Concern/issue details

If this matter is a notifiable incident in accordance with sections 35 to 39 of the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulations 2011* please complete the Notifiable Incident Report form (<https://form.act.gov.au/smartforms/landing.htm?formCode=1282>).

WorkSafe category *

Workplace health and safety complaint

Workplace name *

Woolworths

Please provide any additional information that may assist WorkSafe ACT in resolving your issue or answering your enquiry (for example: what, when, what you thought was wrong, who was involved) *

I work at Woolworths Belconnon, in the front end department. At every woolworths we have a basket carrier which is used to carry baskets that customers have used to shop from the self serve area to the main entrance of the store and it has been more than 4 months that it has been broken. The employees have to push the heavy stack of baskets to the main entrance. This issue has been raised in every safety meetings since that incident and there is has been no action taken by the store and service manager. I have personally complained to the service manager many times. Moreover as the nature of heaviness of the baskets as shown in the photo attached and the floor being not consistent (having patches and metal strips in between) pushing the baskets have caused pain in the back of many team members in addition we team members are forces to do this task from the supervisors and managers because they refuse to do it saying it causes pain, while neglecting that the same thing happens to the other members aswell.

Attach an image or other information to support your report or enquiry

[FC625359-8449-4FBB-90DF-4D6A5DD528E2.jpeg](#)

Workplace address (if known)

Enter the address or search/mark the location on the map

Address line 1

Woolworths 18 Benjamin way

Address line 2

Suburb

State

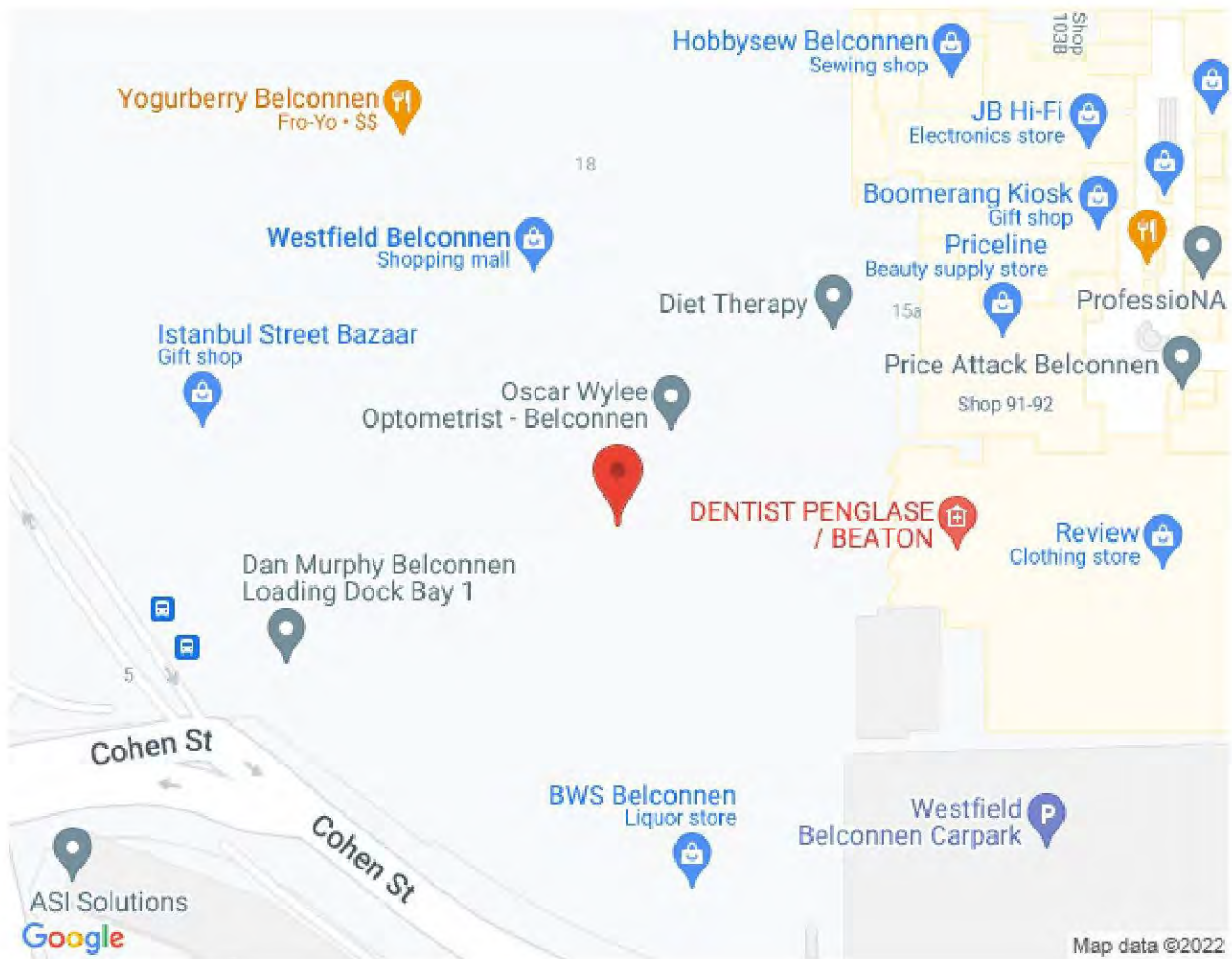
Postcode

BELCONNEN

ACT

2617

248



Your contact information

Submit anonymously



Report a Workplace Concern or Issue - Submission confirmation

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

Date and time

Reference code

27 Sep 2022 4:05:33 PM

P3BYWS3Y

WorkSafe ACT

PO Box 158
Canberra ACT 2601

Phone: 13 22 81
Email: worksafe@act.gov.au

Report a Workplace Concern or Issue

Concern/issue details

If this matter is a notifiable incident in accordance with sections 35 to 39 of the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulations 2011* please complete the Notifiable Incident Report form (<https://form.act.gov.au/smartforms/landing.htm?formCode=1282>).

WorkSafe category *

Notifiable W H & S incident

Workplace name *

Woolworths

Please provide any additional information that may assist WorkSafe ACT in resolving your issue or answering your enquiry (for example: what, when, what you thought was wrong, who was involved) *

Woolies trolley wheels have been tampered with. This causes stress on the contractors back muscles which causes injuries. The workers also develop other injuries as a result from the tampering. This has happening around all Woolworths in Canberra. Woolworths Belconnen is the major site. All woolworths in ACT. Trolleys need to be better maintained by Woolworths.

Attach an image or other information to support your report or enquiry

Workplace address (if known)

Enter the address or search/mark the location on the map

Address line 1

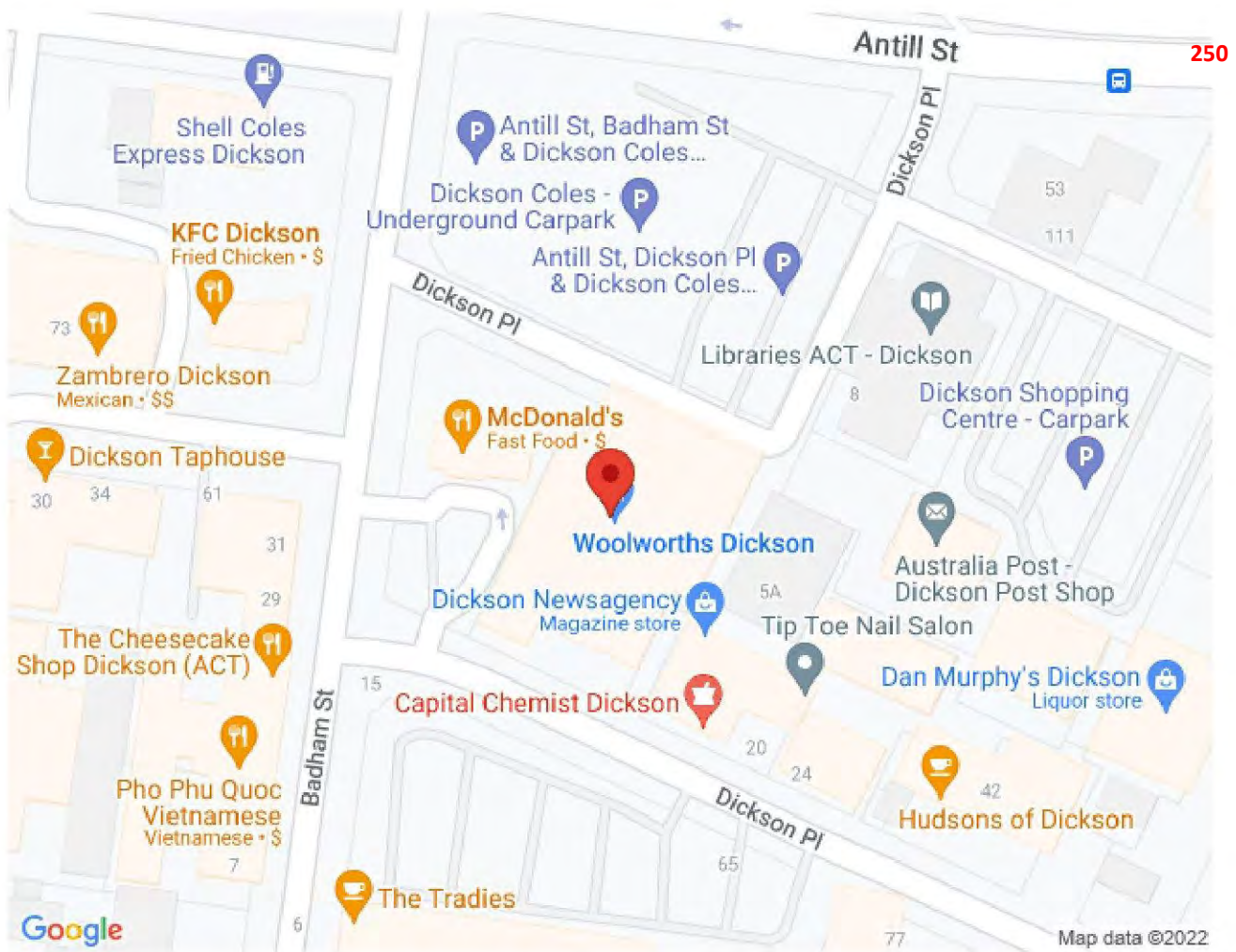
Address line 2

Suburb

State

ACT

Postcode



Your contact information

Submit anonymously



Report a Workplace Concern or Issue - Submission confirmation

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

Date and time

Reference code

02 Jan 2022 2:09:45 PM

T5BXDYFQ

WorkSafe ACT

PO Box 158
Canberra ACT 2601

Phone: 13 22 81
Email: worksafe@act.gov.au

Report a Workplace Concern or Issue

Concern/issue details

If this matter is a notifiable incident in accordance with sections 35 to 39 of the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulations 2011* please complete the Notifiable Incident Report form (<https://form.act.gov.au/smartforms/landing.htm?formCode=1282>).

WorkSafe category *

Healthier Work

Workplace name *

Woolworths Tuggeranong

Please provide any additional information that may assist WorkSafe ACT in resolving your issue or answering your enquiry (for example: what, when, what you thought was wrong, who was involved) *

There is no relief in the staff room the AC doesn't cool

Attach an image or other information to support your report or enquiry

Workplace address (if known)

Enter the address or search/mark the location on the map

Address line 1

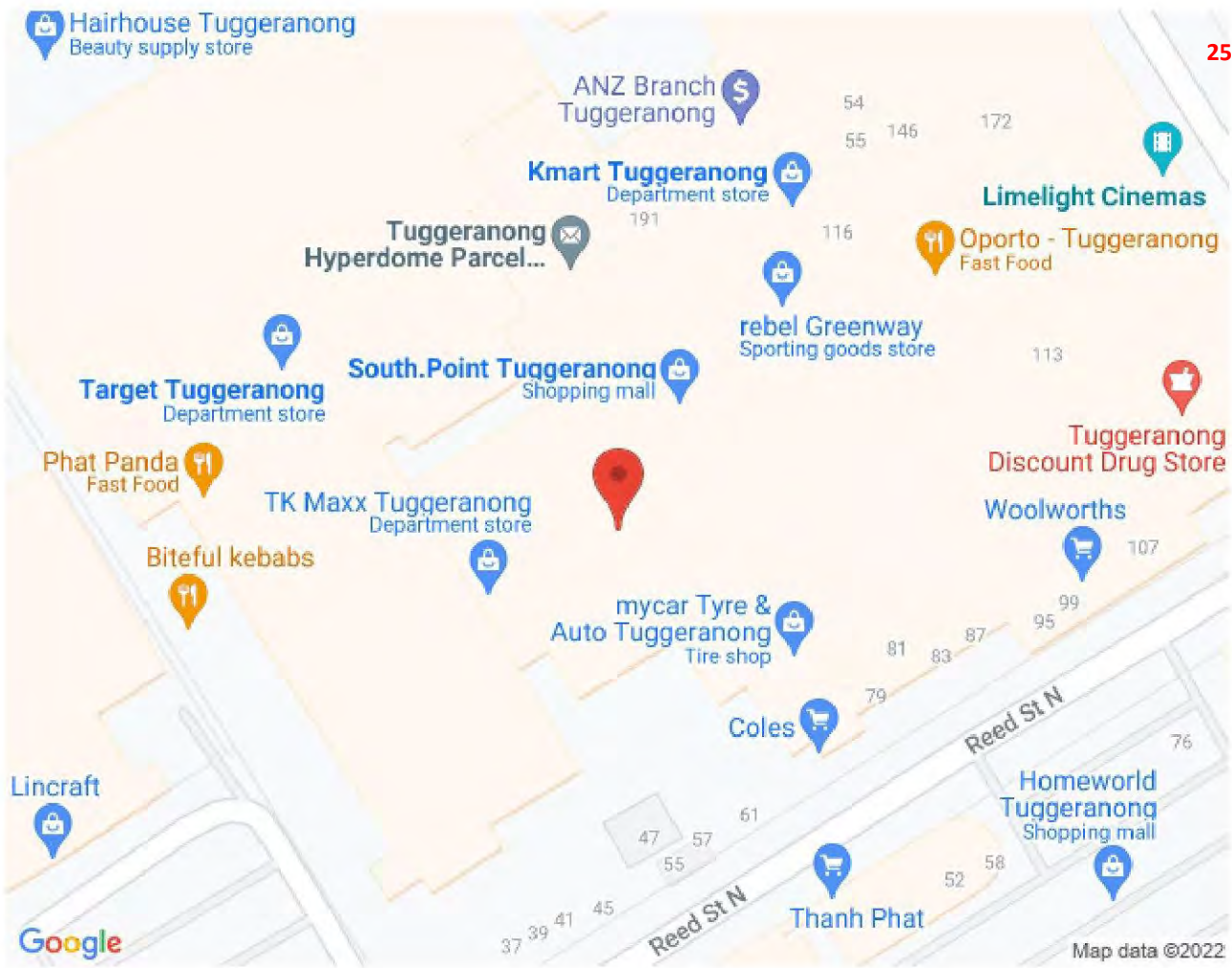
Address line 2

Suburb

State

ACT

Postcode



Your contact information

Submit anonymously



Report a Workplace Concern or Issue - Submission confirmation

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

Date and time

Reference code

02 Jan 2022 2:04:50 PM

XPKHT98N

WorkSafe ACT

PO Box 158
Canberra ACT 2601

Phone: 13 22 81
Email: worksafe@act.gov.au

Report a Workplace Concern or Issue

Concern/issue details

If this matter is a notifiable incident in accordance with sections 35 to 39 of the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulations 2011* please complete the Notifiable Incident Report form (<https://form.act.gov.au/smartforms/landing.htm?formCode=1282>).

WorkSafe category *

Workplace health and safety complaint

Workplace name *

Woolworths

Please provide any additional information that may assist WorkSafe ACT in resolving your issue or answering your enquiry (for example: what, when, what you thought was wrong, who was involved) *

We are required to load and unload trucks on the back dock. Where the exhaust system for the refrigeration and freezer units are. It can get up to 45° in summer and we can be out there for 2 hours plus

Attach an image or other information to support your report or enquiry

[16410925974675949730107945435205.jpg](#)

Workplace address (if known)

Enter the address or search/mark the location on the map

Address line 1

Address line 2

Suburb

State

ACT

Postcode



Your contact information

Submit anonymously



Report a Workplace Concern or Issue - Submission confirmation

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

Date and time

Reference code

03 Feb 2023 8:11:36 AM

5ZRD6KP5

WorkSafe ACT

PO Box 158
Canberra ACT 2601

Phone: 13 22 81
Email: worksafe@act.gov.au

Report a Workplace Concern or Issue

Concern/issue details

If this matter is a notifiable incident in accordance with sections 35 to 39 of the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulations 2011* please complete the Notifiable Incident Report form (https://www.worksafe.act.gov.au/__data/assets/pdf_file/0006/1807314/Notifiable-Incident-Report-Form-.pdf).

WorkSafe category *

Dangerous substances

Workplace name *

Woolworths Tuggeranong

Please provide any additional information that may assist WorkSafe ACT in resolving your issue or answering your enquiry (for example: what, when, what you thought was wrong, who was involved) *

At Woolworths Tuggeranong there is black mold all through the ceiling through the shop floor mainly around the bakery area and produce section. It is also through most of the coolrooms where the food is being kept as well as the online orders. In two of them in particular the mold is starting to hang from the roof of the coolroom and run down the walls.

This problem has been brought to the management teams attention more then once and they seem to nothing about the problem

Attach an image or other information to support your report or enquiry

Workplace address (if known)

Enter the address or search/mark the location on the map

Address line 1

Address line 2

Suburb

State

ACT

Postcode

Your contact information

Submit anonymously



Report a Workplace Concern or Issue - Submission confirmation

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

Date and time

Reference code

21 Feb 2023 10:14:49 AM

R7D74ZBK

WorkSafe ACT

PO Box 158
Canberra ACT 2601

Phone: 13 22 81
Email: worksafe@act.gov.au

Report a Workplace Concern or Issue

Concern/issue details

If this matter is a notifiable incident in accordance with sections 35 to 39 of the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulations 2011* please complete the Notifiable Incident Report form (https://www.worksafe.act.gov.au/__data/assets/pdf_file/0006/1807314/Notifiable-Incident-Report-Form-.pdf).

WorkSafe category *

Other

Workplace name *

Woolworths Mawson

Please provide any additional information that may assist WorkSafe ACT in resolving your issue or answering your enquiry (for example: what, when, what you thought was wrong, who was involved) *

Most of Woolworths Mawson's shopping trolleys do not have working seat belts. Seat belts are generally missing or broken. This means that toddlers can't be restrained from standing up while shopping. On three occasions my two year old daughter has stood up in the shopping trolley child seat, which poses risk of falling and injury. It is not possible to go through the available trolleys to find one that works because they are all locked together and I usually don't have multiple dollar coins to unlock them all.

I have raised this three times with Woolworths, in store and on one occasion with the head office complaints line. After the head office complain, most of the belts were replaced. However, this was some months ago, and recently they have all become broken and dysfunctional again. There does not seem to be an adequate system for checking and replacing broken belts.

Attach an image or other information to support your report or enquiry

Workplace address (if known)

Enter the address or search/mark the location on the map

Address line 1

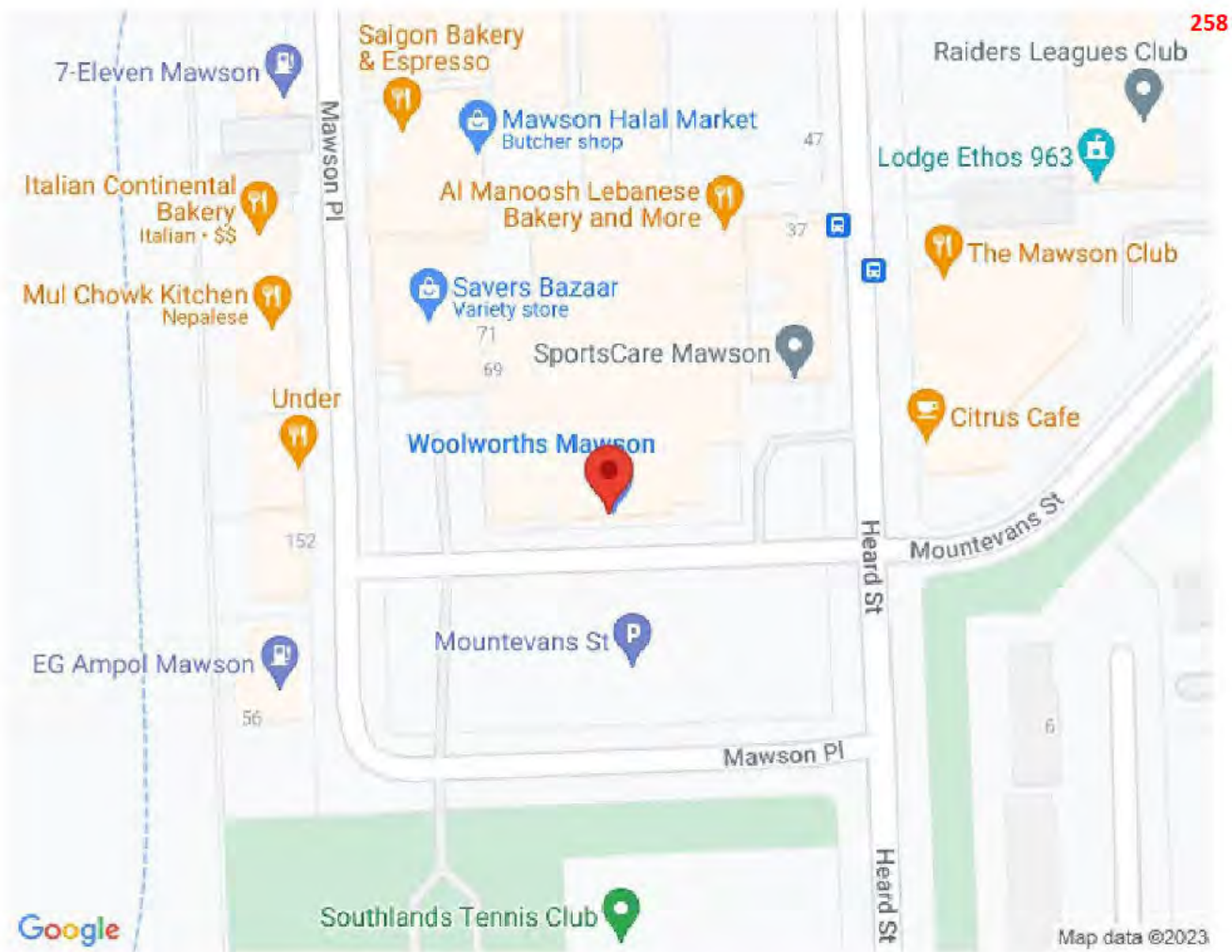
Address line 2

Suburb

State

ACT

Postcode



Your contact information

Submit anonymously

Title	Given name *	Family name *
<input type="text" value="Sch 2.2(a)(ii)"/>	<input type="text" value="Sch 2.2(a)(ii)"/>	<input type="text" value="Sch 2.2(a)(ii)"/>

Provide an email address and/or phone number: *

Phone number	Email
<input type="text" value="Sch 2.2(a)(ii)"/>	<input type="text" value="Sch 2.2(a)(ii)"/>

Would you like to receive a response? *

Yes No

Preferred contact method *

Phone Email



Report a Workplace Concern or Issue - Submission confirmation

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

Date and time

Reference code

07 May 2023 8:43:52 AM

QLTGS6QN

WorkSafe ACT

PO Box 158
Canberra ACT 2601

Phone: 13 22 81
Email: worksafe@act.gov.au

Report a Workplace Concern or Issue

Concern/issue details

If this matter is a notifiable incident in accordance with sections 35 to 39 of the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulations 2011* please complete the Notifiable Incident Report form (https://www.worksafe.act.gov.au/__data/assets/pdf_file/0006/1807314/Notifiable-Incident-Report-Form-.pdf).

WorkSafe category *

Notifiable W H & S incident

Workplace name *

Woolworths Dickson

Please provide any additional information that may assist WorkSafe ACT in resolving your issue or answering your enquiry (for example: what, when, what you thought was wrong, who was involved) *

Men's Urinal consistently blocked and unable to be used. Only 2 other toilets in the building for males to use. Other toilets within walking distance outside of workplace but inconvenience and not practical if emergency use of urinal needed.

This is happening every 2 weeks with no outcome or permanent fix. It takes 2-3 days to be fixed with urine sitting in the bowl building up, expelling germs and parasites.

Attach an image or other information to support your report or enquiry

Workplace address (if known)

Enter the address or search/mark the location on the map

Address line 1

1 DICKSON PL

Address line 2

Suburb

DICKSON

State

ACT

Postcode

2602

Submit anonymously

WORKPLACE VISIT REPORT

Initial Information

Inspection Number: 00161011
Lead Inspector: Kurt Kuehl
Inspector ID: [REDACTED] 7
Lead inspector email address: kurt.kuehl@worksafe.act.gov.au
Is there any accompanying inspectors? Yes
Ali MazharHayat [REDACTED]
Date visit commenced: 10 May, 2023
Legislation visit conducted under: WHS

Entity Information

Type of entity: Business Entity
Name of individual or registered company: Woolworths Group Limited
Trading as:
ACN: 000014675
ABN: 88000014675
Industry Group:
Address: 1 Woolworths Way Bella Vista NSW 2153
Contact Name:
Contact Number:
Contact Email:

Details of Visit:

Address: 1 Dickson Place DICKSON ACT 2602
Notification of entry to (as required by s164): Manager

Inspector Notes:

On 10 May 2023 at about 1201h, WorkSafe ACT Inspectors Kurt KUEHL and Ali HAYAT attended Woolworths, Dickson Place DICKSON ACT (the workplace). The workplace visit followed a concern raised to WorkSafe ACT regarding worker amenities.

Inspectors KUEHL and HAYAT entered the workplace under the Work Health and Safety Act 2011 (WHS Act). Upon entry, Inspectors observed a person standing on a sales register counter to secure promotional bunting. Person was at risk of falling approximately one metre. Inspectors identified themselves to the person who identified themselves as a Worker. KUEHL asked the worker to descend to a safe level and to provide their name; the worker complied with the request. Worker advised knowledge of ladder options available.

Inspectors were introduced to a person who identified themselves as Store Manager.

On the subject of worker amenities, the Store Manager advised Inspectors:

- A staff-only urinal was blocked on Friday [5 May 2023] and a service request was lodged the same day.
- Issue was rectified on Monday [8 May 2023]. Due to tradesperson availability, issue could not be rectified over the weekend.
- Two male staff-only toilets and public toilets were available during this time.
- Issue has occurred once before, has been rectified both times. Tradesperson advised that if issue occurs again, the sensor kit will need to be changed.

Inspectors observed the following at the workplace:

- Workplace is generally clean and tidy with no issues observed in relation to general workplace layout, work areas, flooring, lighting, ventilation, temperature, or services.
- Housekeeping is maintained to allow for persons to enter and exit and to move about without risk to health and safety, both under normal working conditions and in an emergency
- Worker amenities (male toilets adjacent to locker room) are in good condition.
- Platform ladder and two 400mm safety steps are available in the back storage area of workplace.
- Training records for the worker observed on the sales register counter. Records include Safety At Woolworths, PPE & Equipment Safety, and Working Safely At The Front End. Records include initial completion and refresher training dates.

Inspectors took photographs and recorded observations in contemporaneous notebook A10322, page 36 - 37 (KUEHL). Inspectors supplied advice for consideration by the PCBU. No Notices are issued following this visit.

At about 1222h the same day, Inspectors KUEHL and HAYAT departed the workplace.

Disclaimer: The issues identified during this inspection are only indicative of compliance with the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2011, the Dangerous Substances Act 2004 and the Workers Compensation Act 1951 on the date of the inspection. If compliance is identified during this inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Previous Action

Previous notice/s issued (either written or verbal)? No

Recipient/s of this form:

Email:

Email 2:

Privacy Notice: The information collected for the purpose of the Work Health and Safety Act 2011 and is in accordance with the Information Privacy Act 2014. WorkSafe ACT prevents any unreasonable intrusion into person's privacy in accordance with the Privacy Act 1988 (C'With) and Information Privacy Act 2014. WorkSafe ACT provides identifiable information which can be disclosed to other law enforcement agencies and authorised organisation that have legal authority to request information under prescribed circumstances.

WORKPLACE VISIT REPORT

Initial Information

Inspection Number: 00170037
Lead Inspector: Ali MazharHayat
Inspector ID: [REDACTED]
Lead inspector email address: ali.mazharhayat@worksafe.act.gov.au
Is there any accompanying inspectors? Yes
Jodie Fletcher [REDACTED]
Date visit commenced: 9 August, 2023
Legislation visit conducted under: WHS

Entity Information

Type of entity: Business Entity
Name of individual or registered company: Woolworths Dickson
Trading as: Woolworths Group
ACN:
ABN: 88000014675
Industry Group: Retail
Address: 1 Dickson Place Dickson ACT 2602
Contact Name: Woolworths Dickson
Contact Number: (02) 6132 9810
Contact Email: [REDACTED]

Details of Visit:

Address: 1 Dickson Place DICKSON ACT 2602
Notification of entry to (as required by s164): PCBU

Inspector Notes:

On the 9 August 2023 at approximately 02:40 pm, WorkSafe ACT Inspectors Hayat and Fletcher entered the business known as Woolworths Dickson. This business was operating at 1 Dickson Pl, Dickson ACT 2602.

WorkSafe ACT Inspectors Hayat and Fletcher identified themselves as WorkSafe ACT inspectors and explained the purpose of the visit.

Upon entry Inspectors met with the Store Manager and had a discussion regarding concerns that were raised in relation to the worker amenities. Inspectors then noted the following:

- Inspectors were advised that staff-only urinal was blocked, and a service request was lodged the same day and the issue was rectified.
- Inspectors were advised that two male staff-only toilets and public toilets were available during this time. – Issue has occurred before, has been rectified all times.
- Inspectors were advised by the store manager that the Tradesperson had advised them that the issue occurs again and again, as the urinal gets blocked due to someone disposing inappropriate material into the drain.
- Inspectors were advised that if the issue reoccurs, they will organise a staff meeting to highlight not to inappropriately dispose of things in the toilet drainage.

Photographs were taken to support observations and notes were entered into the notebook A10351.

On the 9 August 2023 at approximately 02:55 pm, WorkSafe ACT Inspectors Hayat and Fletcher left this location.

Disclaimer: The issues identified during this inspection are only indicative of compliance with the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2011, the Dangerous Substances Act 2004 and the Workers Compensation Act 1951 on the date of the inspection. If compliance is identified during this inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Previous Action

Previous notice/s issued (either written or verbal)?

Recipient/s of this form:

Email: (Sch 2.2(a)(ii))

Email 2:

Privacy Notice: The information collected for the purpose of the Work Health and Safety Act 2011 and is in accordance with the Information Privacy Act 2014. WorkSafe ACT prevents any unreasonable intrusion into person's privacy in accordance with the Privacy Act 1988 (C'Wth) and Information Privacy Act 2014. WorkSafe ACT provides identifiable information which can be disclosed to other law enforcement agencies and authorised organisation that have legal authority to request information under prescribed circumstances.



Report a Workplace Concern or Issue - Submission confirmation

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

Date and time

Reference code

16 Nov 2023 8:20:53 AM

LXVPDRSP

WorkSafe ACT

PO Box 158
Canberra ACT 2601

Phone: 13 22 81
Email: worksafe@act.gov.au

Report a Workplace Concern or Issue

Concern/issue details

If this matter is a notifiable incident in accordance with sections 35 to 39 of the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulations 2011* please complete the Notifiable Incident Report form (https://www.worksafe.act.gov.au/__data/assets/pdf_file/0006/1807314/Notifiable-Incident-Report-Form-.pdf).

WorkSafe category *

Healthier Work

Workplace name *

Woolworths Dickson

Please provide any additional information that may assist WorkSafe ACT in resolving your issue or answering your enquiry (for example: what, when, what you thought was wrong, who was involved) *

Urinal constantly overflowing, floor is flooded with urine/water, no other amenities provided by the business, toilets still accessible and haven't been blocked off. This has been going on for months and months. With no fix in sight. The smell is horrendous, there are sewer flies in the bathroom and the staff break room constantly.

Attach an image or other information to support your report or enquiry

Workplace address (if known)

Enter the address or search/mark the location on the map

Address line 1

1 DICKSON PL

Address line 2

Suburb

DICKSON

State

ACT

Postcode

2602

Your contact information



Report a Workplace Concern or Issue - Submission confirmation

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

Date and time

Reference code

06 Aug 2023 7:38:55 AM

QVFPKF48

WorkSafe ACT

PO Box 158
Canberra ACT 2601

Phone: 13 22 81
Email: worksafe@act.gov.au

Report a Workplace Concern or Issue

Concern/issue details

If this matter is a notifiable incident in accordance with sections 35 to 39 of the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulations 2011* please complete the Notifiable Incident Report form (https://www.worksafe.act.gov.au/__data/assets/pdf_file/0006/1807314/Notifiable-Incident-Report-Form-.pdf).

WorkSafe category *

Workplace health and safety complaint

Workplace name *

Woolworths Dickson

Please provide any additional information that may assist WorkSafe ACT in resolving your issue or answering your enquiry (for example: what, when, what you thought was wrong, who was involved) *

Blocked urinal AGAIN

Attach an image or other information to support your report or enquiry

Workplace address (if known)

Enter the address or search/mark the location on the map

Address line 1

1 DICKSON PL

Address line 2

Suburb

DICKSON

State

ACT

Postcode

2602

Your contact information

WORKPLACE VISIT REPORT

Initial Information

Inspection Number: 00154498
Lead Inspector: Emma Hayes
Inspector ID: [REDACTED]
Lead inspector email address: emma.hayes@worksafe.act.gov.au
Is there any accompanying inspectors? Yes

Trent Furminger

Date visit commenced: 2 March, 2023
Legislation visit conducted under: WHS
Purpose of visit: Event

Entity Information

Type of entity: Business Entity
Name of individual or registered company: Woolworths Group Limited
Trading as:
ACN: 000014675
ABN: 88000014675
Industry Group:
Address: 1 Woolworths Way Bella Vista NSW 2153

Contact Name: Sch 2 2(a)(ii)
Contact Number: [REDACTED]
Contact Email: Sch 2 2(a)(ii)

Details of Visit:

Address: 1 Woolworths Way Bella Vista NSW 2153
Notification of entry to (as required by s164): PCBU

Inspector Notes:

On 2nd March 2023 at 13:43pm Inspectors Hayes and Furninger attended Woolworths Tuggeranong located at Anketell Street, Greenway ACT 2900 in response to a complaint.

WorkSafe ACT Inspector Hayes and Furninger identified themselves as authorised Inspector under the Work Health and Safety Act 2011 and produced their identification card and explained the purpose of the visit.

Inspectors met with the Store Manager and Group Manager and observed and discussed the following:

- Store Manager aware of mould issues in coolrooms and bakery ceiling tiles
- Cleaning undertaken in coolroom and around exhaust ducts within bakery and fresh produce section
- Review of black substance in ceiling tile above bakery and food produce yet to be completed
- Advised Store Manager that Inspectors will follow up in 3 weeks to check on progress

Inspectors departed the workplace at 14:06pm

Disclaimer: The issues identified during this inspection are only indicative of compliance with the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2011, the Dangerous Substances Act 2004 and the Workers Compensation Act 1951 on the date of the inspection. If compliance is identified during this inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Previous Action

Previous notice/s issued (either written or verbal)? No

Recipient/s of this form:

Email: 1 (Sch 2.2(a)(ii))

Email 2:

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WORKPLACE VISIT REPORT

Initial Information

Inspection Number: 00158213
Lead Inspector: Emma Hayes
Inspector ID: [REDACTED] 3
Lead inspector email address: emma.hayes@worksafe.act.gov.au
Is there any accompanying inspectors? Yes
Jodie Fletcher [REDACTED] 4
Date visit commenced: 13 April, 2023
Legislation visit conducted under: WHS
Purpose of visit:

Entity Information

Type of entity: Business Entity
Name of individual or registered company: Woolworths Group Limited
Trading as: Woolworths (Hawker)
ACN: 000014675
ABN: 88000014675
Industry Group: Food & Beverage
Address: 1 Woolworths Way Bella Vista NSW 2153
Contact Name: [REDACTED] 5
Contact Number: [REDACTED] 2
Contact Email:

Details of Visit:

Address: 1 Hawker Place Hawker ACT 2614
Notification of entry to (as required by s164): Manager

Inspector Notes:

On 13th April 2023 at 11:09 am Inspectors Hayes and Blundell attended Woolworths Group Limited trading as Woolworths Hawker at 1 Hawker Place, Hawker ACT 2614 in response to a complaint.

Inspectors met with the Store Manager and observed and discussed the following:

- Advised Store Manager of complaint regarding blocked emergency exit
- Manager advised workers are requested to fix issues where possible and if not, to report to Manager
- Exits and emergency equipment have marked exclusion zone to prevent storage in front
- Observed emergency exit adjacent to loading dock partially obstructed. Objects removed from in front on egress during inspection.
- Advised Manager of requirements of minimum exclusion zones for emergency exits

Photos taken and notes entered in Notebook A10315.

Inspectors departed the workplace at 11:25 am.

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Previous Action

Previous notice/s issued (either written or verbal)? No

Recipient/s of this form:

Email: Sch 2.2(a)(ii)

Email 2:

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