



ACT
Government

Chief Minister, Treasury and
Economic Development

Freedom of Information Publication Coversheet

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

FOI Reference: CMTEDDFOI 2022-063

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	32
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

From: [REDACTED]
To: [CMTEDD FOI](#)
Cc: [Nixon, Dawn](#); [Jeacocke, Joanne](#); [REDACTED]
Subject: FW: Australian College of Nursing - Psychosocial complaint
Date: Tuesday, 1 March 2022 2:26:00 PM
Attachments: [image002.png](#)
[image005.png](#)
[image003.png](#)
[image009.png](#)
[image011.png](#)
[image012.png](#)
[image014.png](#)

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

Hi Team

I am wanting to FOI the notices that have been issued to Australian College of Nursing by WorkSafe as per the email below

Can you assist please?



From: Nixon, Dawn <Dawn.Nixon@worksafe.act.gov.au>
Sent: Tuesday, 1 March 2022 2:19 PM
To: [REDACTED]
Subject: FW: Australian College of Nursing - Psychosocial complaint

OFFICIAL

Good afternoon [REDACTED]

Please note you will need to contact the CMTEDD FOI team at the email address below to request details of the notices that have been issued to Australian College of Nursing;

CMTEDDFOI@act.gov.au

Dawn

Kind regards,

Dawn Nixon | Assistant Director | Manager, Strategic Coordination

Executive Officer to Jacqueline Agius, Work Health and Safety Commissioner and Labour Hire Licence Commissioner

P: 02 6205 4373 | **E:** Dawn.Nixon@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.

From: [REDACTED]
Sent: Tuesday, 1 March 2022 11:11 AM
To: WorkSafe <WorkSafe@worksafe.act.gov.au>
Subject: FW: Australian College of Nursing - Psychosocial complaint

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

Hi Team

We would like to FOI details of the notices issued by WorkSafe for the below matter

Kind regards



From: Jeacocke, Joanne <Joanne.Jeacocke@worksafe.act.gov.au>
Sent: Monday, 7 February 2022 12:13 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Australian College of Nursing - Psychosocial complaint

OFFICIAL

Hi [REDACTED]

In terms of the details of notices, WorkSafe ACT is unable to release that information proactively. Such requests can be made through Freedom of Information. This can be done by emailing such a request to the WorkSafe@worksafe.act.gov.au email address.

Kind regards

Joanne Jeacocke | Inspector, Psychological Health and Safety
P: 6205 9519 | E: joanne.jeacocke@worksafe.act.gov.au
Office of the Work Health and Safety Commissioner
GPO Box 158 Canberra ACT 2601



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

From: [REDACTED]
Sent: Monday, 7 February 2022 11:42 AM
To: Jeacocke, Joanne <Joanne.Jeacocke@worksafe.act.gov.au>
Cc: [REDACTED]
Subject: RE: Australian College of Nursing - Psychosocial complaint

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Hi Joanne

Will we get an opportunity to see that notice and the nature of it?



From: Jeacocke, Joanne <Joanne.Jeacocke@worksafe.act.gov.au>
Sent: Monday, 7 February 2022 11:39 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Australian College of Nursing - Psychosocial complaint

OFFICIAL

Hello [REDACTED]

Apologies for the delay in responding. An improvement notice has been issued to Australian College of Nursing and the case will be close once complied with.

Kind regards

Joanne Jeacocke | Inspector, Psychological Health and Safety
P: 6205 9519 | E: joanne.jeacocke@worksafe.act.gov.au
Office of the Work Health and Safety Commissioner
GPO Box 158 Canberra ACT 2601



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

From: [REDACTED]
Sent: Friday, 4 February 2022 12:28 PM
To: Jeacocke, Joanne <Joanne.Jeacocke@worksafe.act.gov.au>
Cc: [REDACTED]
Subject: RE: Australian College of Nursing - Psychosocial complaint

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

Hi Joanne

I haven't heard from you can you please provide me with an update ?

Kind regards



From: [REDACTED]
Sent: Wednesday, 19 January 2022 1:42 PM
To: Jeacocke, Joanne <Joanne.Jeacocke@worksafe.act.gov.au>
Subject: RE: Australian College of Nursing - Psychosocial complaint
Importance: High

Hi Joanne

Could I kindly request an update into your inquiry?

My clients have been very patient

Kind regards



From: Jeacocke, Joanne <Joanne.Jeacocke@worksafe.act.gov.au>

Sent: Wednesday, 3 November 2021 4:12 PM
To: [REDACTED]
Subject: RE: Australian College of Nursing - Psychosocial complaint

OFFICIAL

Hi [REDACTED]

A workplace inspection will be undertaken early next week. Inquiries will be initiated and will progress from there.

Kind regards

Joanne Jeacocke | Inspector, Psychological Health and Safety
P: 6205 9519 | E: joanne.jeacocke@worksafe.act.gov.au
Office of the Work Health and Safety Commissioner
GPO Box 158 Canberra ACT 2601



From: [REDACTED]
Sent: Wednesday, 3 November 2021 2:07 PM
To: Jeacocke, Joanne <Joanne.Jeacocke@worksafe.act.gov.au>
Subject: RE: Australian College of Nursing - Psychosocial complaint
Importance: High

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

Hi Joanne

Anu updates on your investigation please?



From: Jeacocke, Joanne <Joanne.Jeacocke@worksafe.act.gov.au>
Sent: Wednesday, 8 September 2021 3:40 PM
To: [REDACTED]
Subject: RE: Australian College of Nursing - Psychosocial complaint

OFFICIAL

Hello [REDACTED]

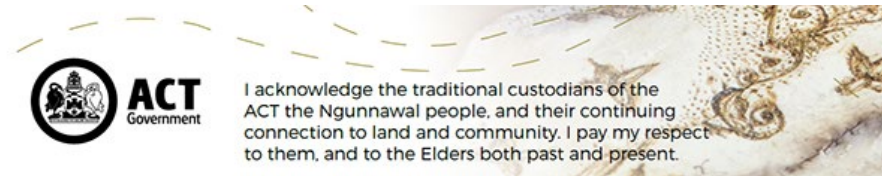
Unfortunately due to the lockdown, WorkSafe's onsite inspections were scaled back before one could be arranged at Australian College

of Nursing.

As soon as the pandemic restrictions allow, WorkSafe will be resuming other inspections and I will undertake the inspection in relation to the issues raised.

Kind regards

Joanne Jeacocke | Inspector, Psychological Health and Safety
P: 6205 9519 | M: 0421 654 547 | E: joanne.jeacocke@worksafe.act.gov.au
Office of the Work Health and Safety Commissioner
GPO Box 158 Canberra ACT 2601



From: [REDACTED]
Sent: Wednesday, 8 September 2021 3:23 PM
To: Jeacocke, Joanne <Joanne.Jeacocke@worksafe.act.gov.au>
Subject: RE: Australian College of Nursing - Psychosocial complaint

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

Hi Joanne

Could I please get an update on this one?

Kind regards



From: Jeacocke, Joanne <Joanne.Jeacocke@worksafe.act.gov.au>
Sent: Thursday, 22 July 2021 4:52 PM
To: [REDACTED]
Subject: Australian College of Nursing - Psychosocial complaint

OFFICIAL

Good afternoon [REDACTED]

Following on from our phone discussion today please find attached and the link to [WorkSafe ACT's page](#).

WorkSafe will need to contact [REDACTED] directly to confirm they agree to WorkSafe disclosing their identify and specific concerns when the inspection is undertaken at the Australian College of Nursing. Could their contact details be provided.

Can I also confirm that you are acting on their behalf.

Kind regards

Joanne Jeacocke | Inspector, Psychological Health and Safety
P: 6205 9519 | M: 0421 654 547 | E: joanne.jeacocke@worksafe.act.gov.au

Office of the Work Health and Safety Commissioner
GPO Box 158 Canberra ACT 2601



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.



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2022-063

[REDACTED]

via email: [REDACTED]

Dear [REDACTED]

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 1 March 2022.

Specifically, you are seeking: *“Improvement notices issued to the Australian College of Nursing by WorkSafe ACT.”*

Authority

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

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application by 22 April 2022.

Decision on access

I have decided to grant access in full to the relevant information which is included as **Attachment A** to this decision.

Charges

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

Online publishing – Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and the information released to you in response to your access application will be published in the CMTEDD disclosure log after 3 days after 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>.

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 of my decision, or a longer period allowed by the Ombudsman.

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

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

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

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

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

Yours sincerely



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

19 April 2022

IMPROVEMENT NOTICE

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

Information

Notice number N-000002746

Issued By: Joanne Jeacocke ID number:

To whom this notice is issued

Name of registered company or Name of individual: Australian College of Nursing

ABN: 48154924642 Site/workplace: 1 Napier Close Deakin ACT 2600

Location within address of workplace: 1 Napier Close, Deakin 2600

Served on: Responsible Persons/Officer(s) Method of service: Email Date of issue: 07/02/2022

Due date to remedy the contravention or likely contravention: 04/03/2022

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**

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

I, Inspector Joanne Jeacocke conducted an inspection (refer to WPV 00098800) on the 19 November 2021 and received additional information/documents from the Australian College of Nursing on the 11 November 2021 and the 7 December 2021.

On reviewing the inspection and the provided information/documents, at approximately 2:00pm on 4 February 2022, I Inspector Jeacocke formed a reasonable belief that the Australian College of Nursing has contravened a provision of the Work Health and Safety Act 2011 (the WHS Act) Sec 19 (3)(c).

Workers are at risk of psychological harm attributable to the Australian College of Nursing's failure to provide an adequate safe system of work for addressing bullying and harassment in circumstances when there is a real or potential conflict of interest where a person assigned with responsibilities/delegations in its Grievance and Dispute Management Procedure is party to the grievance. The Work Health and Safety (Preventing and Responding to Bullying) Code of Practice 2012 (CoP) made under the WHS Act 2011 specifies that any agreed workplace procedure should be neutral/impartial (this includes the way that people are treated in any process; the person in charge of an investigation or resolution process should never be directly involved in the incident they are investigating or attempting to address and they should also avoid any personal or professional bias).

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:

The Australian College of Nursing must so far as is reasonably practicable:

1. Undertake a review of the safe system for addressing bullying and harassment to ensure there are controls/measures built into the system to maintain neutrality as outlined in the CoP (4.3 Principles)
2. Consult with workers and/or their representatives who are, or are likely to be, directly affected by the safe system for addressing bullying and harassment
3. Provide any necessary information, instruction, training and supervision to workers who are, or a likely to be affected by the revised system
4. Develop a system to regularly review the controls/measures to ensure they remain fit for purpose, are being implemented, set up

and followed correctly.

5. Contact joanne.jeacocke@worksafe.act.gov.au and provide evidence of completion of points 1-4 above.

The inspector recommends that you:

Refer to the following reference tools:

- Work Health and Safety (Preventing and Responding to Bullying) Code of Practice 2012
- Work Health and Safety (How to Manage Work Health and Safety Risks) Code of Practice) Approval 2020
- Safe Work Australia Work-related psychological health and Safety – National Guidance

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

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