



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 2020-175

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)	23
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](#)
Subject: [REDACTED] - Workplace Injury: 03 July 2020
Date: Wednesday, 9 September 2020 5:07:51 PM
Attachments: [image004.png](#)
[REDACTED]

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.

Dear Sir/Madam,

I refer to the above.

Please find **attached** letter dated 8 September 2020.

Should you have any queries, please contact our office.

Kind regards,




Please note:

[REDACTED] remain open to service all new and existing clients with their legal claims. In response to Covid-19 health and safety guidelines, our legal teams will be working from home so it is important that you send all correspondence and documents to me by **email**.

To assist with social distancing, our meetings will continue by phone or video conference if you prefer. If you need to speak to me, please do not hesitate to call me directly on my usual number.


For other law firms, please note that we will only be accepting service of documents received digitally.





8 September 2020


The FOI Coordinator
Chief Minister, Treasury and Economic
Development
c/- Freedom of Information Officer
GPO Box 158
CANBERRA ACT 2601




By email: CMTEDDfoi@act.gov.au

Dear The FOI Coordinator

 e/b Adadn Pty Ltd
Workplace Injury: 03 July 2020

I act for  in relation to the injury he sustained in the course of his employment with Adadn Pty Ltd.

On 3 July 2020  was injured whilst working at the Geocon Grand Central Towers development site in Woden, ACT.

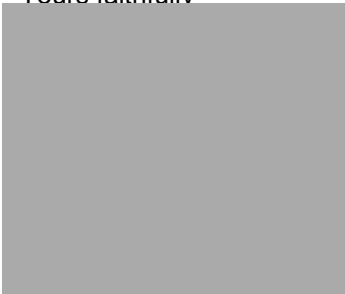
Pursuant to the *Freedom of Information Act 2016*, we request a copy of all documents relating to WorkSafe's investigation of this incident, including but not limited to the following:

- Documents recording information provided to WorkSafe;
- Statements;
- File notes;
- Photographs;
- Reports;
- Correspondence; and
- Emails.

Please find **enclosed** a signed authority from our client for your reference.

Should there be any issues, please contact my office.

Yours faithfully





**EMPLOYER
INFORMATION RELEASE AUTHORITY**

Dear Sir or Madam

Please release to my lawyers,  all information in connection with my employment.

This includes copies of all wage, leave, employment, accident, sickness, compensation and rehabilitation records together with any other relevant documents held on your file.

My lawyers have been authorised to act as my agents in all aspects of this request.

This authority remains valid until revoked by me in writing.

Yours faithfully

Date:

Signed: 

Name: 

Address: 

DOB: 




ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2020-175




via email: 

Dear 

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 9 September 2020, in which you sought access to:

On 3 July 2020  (employed by Adadn Pty Ltd) was injured whilst working at the Geocon Grand Central Towers development site in Woden, ACT. We request a copy of all documents relating to WorkSafe's investigation of this incident, including but not limited to the following:

- Documents recording information provided to WorkSafe;
- Statements;
- File notes;
- Photographs;
- Reports;
- Correspondence; and
- Emails.

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 is required to provide a decision on your access application by 8 October 2020, however, following on from third party consultations, the due date is now 14 September 2020.

Third Party Consultation

In making this decision, third party consultation was completed in accordance with section 38 of the Act.

Decision on access

Searches were completed for relevant documents and two 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 each document that falls within the scope of your request and the access decision for each of those documents.

I have decided to grant partial access to both documents as I consider it to contain information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

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;
- the views of the relevant third party; and
- the *Information Privacy Act 2014*.

Exemption claimed

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

Public Interest

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

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:

- (a) *disclosure of the information could reasonably be expected to do any of the following:*
- (xiii) *contribute to the administration of justice generally, including procedural fairness.*

Having considered the factor above, I consider that the release of these documents may contribute to the administration of justice generally by allowing you to have a record of the WorkSafe ACT documents that fall under the scope of your request. However, this factor is to be balanced against the factors favouring non-disclosure.

Factors favouring nondisclosure in the public interest:

(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 other rights under the Human Rights Act 2004;*

Having reviewed the documents, I consider that the protection of an individual's right to privacy, especially in the course of dealings with the ACT Government is a significant factor as the parties involved have provided their personal information for the purposes of working with the ACT Government. This, in my opinion, outweighs the benefit which may be derived from releasing the personal information of the individual's involved in this matter.

Individuals are entitled to expect that the personal information they have supplied as part of this process will be dealt with in a manner that protects their privacy. Considering the type of information to be withheld from release, I am satisfied that the factors in favour of release can still be met while protecting the personal information of the individuals involved. I therefore weight the factor for non-disclosure more highly than the factor in favour of release in this instance. As a result, I have decided that release of this information (email addresses, mobile numbers and names of individuals not employed by the ACT Public Service) could prejudice their right to privacy under the *Human Rights Act 2004*.

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 redacted this information in the documents 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 not applicable for this request because the total number of pages to be released to you is below the charging threshold of 50 pages.

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 documents released to you in response to your access application will be published in the CMTEDD disclosure log after three working 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/disclosure-log-2020>.

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 published in CMTEDD disclosure log, 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



Philip Dachs
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate

13 October 2020



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
Documents relating to an incident at Geocon Grand Central Towers development site in Woden ACT on 3 July 2020.	CMTEDDFOI 2020-175

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-4	Workplace visit report – 200704-000309	3 Jul 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
2	5-8	Notifiable incident report NJY4ZPCV	4 Jul 2020	Partial release	Sch 2 s2.2 (a)(ii)	Yes
Total No of Docs						
2						

Initial information

Type of report *

Workplace Visit

Inspector ID *

PO1873

Inspection number

WPV-PO1873-X73N4J

Event number

200704-000309

Lead inspector *

Paul Ledbrook

Is there any accompanying inspectors *

Yes No

Item Number 1

Accompanying inspector/Other *

Jamie Williams

Date *

03 Jul 2020

Time commenced *

14:00

Type of WPV *

Proactive Reactive

Purpose of WPV *

Notifiable incident

Legislation *

Work Health and Safety Act 2011

Is this a joint inspection? *

Yes No

Name of individual or registered company *

Geocon Constructors Pty Ltd

ABN

86126126850

ACN

Business or trading name (if different)

Registered company address

Address line 1 *

Unit 18, Level 1, 24 Iron Knob Street

Address line 2

Suburb *

Fyshwick

State *

ACT

Postcode *

2609

Contact name *

Sch 2.2(a)(ii)

Contact number *

Sch 2.2(a)(ii)

Email address *

Sch 2.2(a)(ii)@geocon.com.au

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 *

15 Bowes st

Address line 2

Suburb *

PHILLIP

State

ACT

Postcode *

2606

Notification of entry to (as required by s164) *

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

Inspector notes

On 3 July 2020, Worksafe ACT investigated a reportable incident at GeoCon building site Central towers in Woden. A worker has fallen off a work platform approximately 600mm high. Inspectors Ledbrook and Williams attended the site, whilst installing Formwork timbers the worker has misjudged the size of the platform losing his footing. The trestle is in good condition, on stable ground and meets all requirements.

Corrective actions: Where possible and reasonably practicable use Platform ladders.

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 *

Construction

Time finished *

15:00

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 *

Paul.Ledbrook@act.gov.au

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

1

Email 1 *

Sch 2.2(a)(II)@geocon.com.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.

Notifiable Incident Report - Submission confirmation

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

Date and time

04 Jul 2020 12:39:22 PM

Reference code

NJY4ZPCV

Access Canberra

GPO Box 158,
Canberra City ACT 2601

Phone: 02 6207 3000

Details of business or undertaking

Name of business or undertaking *

Geocon

Enter at least one phone number: *

Home phone number

Work phone number

Mobile number

Sch 2.2(a)(ii)

Email

Sch 2.2(a)(ii)@geocon.com.au

Address of business or undertaking

Address line 1 *

15 BOWES ST

Address line 2

Suburb *

PHILLIP

State *

ACT

Postcode *

2606

Details of the injured/involved person

Title

Given name *

Family name *

Date of birth *

Address of injured/involved person

Address line 1 *

Address line 2

Suburb *

State *

Postcode *

Job title/position *

Main duties *

Enter at least one phone number: *

Home phone number

Work phone number

Mobile number

Email

Type of employment *

Type of worker *

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

Details of the accident/incident

Date of the accident/incident *

Time of the accident/incident *

Were there any witnesses/other involved person? *

Yes

No

Witnesses/other involved persons:

Witness 1		
Title	Given name *	Family name *
<input type="text" value="Mr"/>	<input type="text" value="Sch 2.2(a)(ii)"/>	<input type="text" value="Sch 2.2(a)(ii)"/>
Contact number *		
<input type="text" value="Sch 2.2(a)(ii)"/>		

Describe the accident/incident *

Sch 2.2(a)(ii) has supplied a statement in Arabic that has been translated into English by Adcon site manager Sch 2.2(a)(ii)

was standing on a work platform 580mm high of the ground setting up the doka for the lead deck, Then was seen laying on the floor screaming out loud " i fell i fell" However no one witnessed him falling off the 580mm high work platform .

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

Same as business address

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

Tower B Level 21 Eastern side of the core B jumpform

Environment and workplace conditions

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

level 21 tower B work area is clean and tidy, sunny with slight 11.43 kph winds,

Utilities

Does this NIR relate to damage to a Utilities Asset (e.g. power, gas, sewerage, water street lighting cable, etc.) *

Yes No

Task and supervision

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

erection of formwork deck

Plant, equipment, tools, materials and substances

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

formwork timbers (Doka)

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

Was a risk assessment undertaken prior to commencing work? *

Yes No

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

Yes No

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 *

4

7

2020

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

Worksafe inspector Paul ledbrook was notified by phone and attended site with worksafe inspector Jamie Williams.

Adcon workers will be toolboxed talked about correct use of working platforms and correct installation of formwork timbers.

All Adcon workers will be re inducted into installation of formwork deck SWMS

Name of person completing this form

Title

Mr

Given name *

Sch 2.2(a)(ii)

Family name *

Sch 2.2(a)(ii)

Enter at least one phone number: *

Home phone number

Work phone number

Mobile number

Sch 2.2(a)(ii)

Submitting this form will automatically create an account for you on the Access Canberra website. The account allows you to view, update or track your submission. Responses to your submission will be sent to your email address.

Email *

Sch 2.2(a)(ii)@geocon.com.au

Job title/position *

safety & quality officer