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 2026-252
Date of Application	7 September 2026
Date of Decision	23 October 2026
Processing time (in working days)	33
Fees	N/A
Decision on Access	Refusal
Information Requested (summary)	"records held by WorkSafe ACT relating to its handling of workplace concerns"

Publication Details		
Original application	☑ Published	☐ N/A
Decision notice	☑ Published	☐ N/A
Documents and schedule	☐ Published	☑ 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	

ACT Government | Access Canberra.

Freedom of Information (FOI) request - Submission confirmation

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

Date and time

07 Sep 2026 12:35:37 PM

Reference code

LT29PGBC

Chief Minister, Treasury and Economic Development Directorate (CMTEDD)

GPO Box 158
Canberra City, ACT 2601

Phone: 6207 7754
CMTEDDFOI@act.gov.au

Applicant information

☐ I want to submit this request anonymously

Assistance

Do you need assistance with preparing your request?

○ Yes

◉ No

Do you need an interpreter?

○ Yes

◉ No

Applicant details

Title

First name*

Last name

Pronouns

Chosen name

Business/Organisation

Contact details

Please provide at least one method of contact. We use this information to confirm details of the request and deliver information to you once your request is completed.

Phone number

Email address

Address line 1

Address line 2

Suburb

State

Postcode

Help us direct your request

The following information helps us send your request to the most appropriate team who will coordinate and respond to your request.

What type of information are you requesting? *

There are two types of information commonly asked for: personal information and non-personal or general information.

- Personal information refers to your own or another's personal affairs. If you wish to access personal information, you will need to provide proof of identity.

- Non-personal or general information is all the information held by government about how the government undertakes its functions and roles.

- ( ) Personal information
- (•) Non-personal (General) information

What do you know about the information you are requesting?*

- (•) I know the Directorate or agency
- ( ) I know the topic
- ( ) I am not sure

Directorate or agency*

- ( ) Canberra Health Services
- (•) Chief Minister, Treasury and Economic Development Directorate
- ( ) City and Environment Directorate
- ( ) Digital Canberra
- ( ) Education Directorate
- ( ) Health and Community Services Directorate
- ( ) Infrastructure Canberra
- ( ) Justice and Community Safety Directorate
- ( ) Multiple Directorate request

Request for

To help us process your request:

- Include enough detail in your application so we can identify what government information you want.
- As an alternative to using fields within the form, you may choose to attach documents or audio recordings.
- You may wish to include a statement on how the release of this information is in the public interest.

Scope of your request

What information are you requesting access to?*

Dear FOI Officer,

I am making a request under the Freedom of Information Act 2016 (ACT) for records held by WorkSafe ACT relating to its handling of workplace concerns raised by [redacted], the investigation and any preliminary assessment that followed, employment processes involving him, any employer-initiated medical assessment, and the subsequent [redacted] Court proceeding [redacted].

I am mainly interested in understanding the sequence of events, what WorkSafe ACT knew at different stages, how the issues were handled internally, and what decisions were made.

Unless otherwise indicated, could you please search for records created or received between 1 January 2023 and 17 September 2024.

1. Workplace concerns raised by [redacted]

I would like records sufficient to show:

a. when [redacted] raised concerns about workplace treatment, bullying, harassment, workplace culture, psychosocial hazards, management conduct or related issues;

b. who within WorkSafe ACT received, was copied into, or was briefed about those concerns;

c. how those concerns were described, classified or recorded at the time, including whether they were treated as a complaint, grievance, feedback, workplace concern, bullying allegation, psychosocial hazard or something else;

d. any decision about whether the concerns would be dealt with as a formal complaint, grievance or other workplace process; and

e. any record explaining the basis for that decision.

This includes relevant emails, file notes, meeting notes, HR records, briefing records and entries in case-management or records-management systems, but only to the extent necessary to answer the matters above.

2. Investigation into [redacted] concerns

I would like records relating to any investigation of those concerns, including:

a. the decision to appoint or engage an investigator;

b. the investigator's engagement letter, scope, terms of reference, instructions or equivalent document;

c. records showing when the investigation commenced;

d. records showing when any report, findings or recommendations were received by WorkSafe ACT;

e. the investigation report, findings and recommendations, subject to any necessary redactions;

f. any covering email, briefing note, minute or other record transmitting or summarising the report or findings;

g. records showing who received the report or findings;

h. records showing when the Commissioner, senior management or HR received, reviewed or were briefed on the report or findings;

i. records of any action, recommendation or decision arising from the investigation; and

j. records explaining any decision not to take further action, not to determine the concerns, or not to provide [redacted] with an outcome.

3. Preliminary Assessment or equivalent preliminary process

I would also like records sufficient to show whether any Preliminary Assessment (PA), preliminary inquiry, initial assessment, fact-finding process or similar preliminary process was considered, commenced or conducted in relation to [redacted] his workplace concerns, or any concerns raised about his conduct, performance or employment.

If any such process was considered or undertaken, I seek records sufficient to show:

a. when the Preliminary Assessment or equivalent process was first proposed, commenced and completed;

b. who requested, authorised or initiated it;

c. who conducted the assessment, including their name, position and business area, or, if conducted externally, the organisation involved;

d. the purpose, scope, terms of reference, referral questions or instructions for the assessment;

e. the allegations, concerns, incidents or issues referred for assessment;

f. the categories of information and material considered, together with any document expressly relied upon in reaching the findings or recommendations;

g. the positions or roles of persons interviewed or consulted, where disclosure of names would raise privacy concerns;

h. whether [redacted] was informed that the Preliminary Assessment or equivalent process was being conducted and, if so, when and how;

i. whether [redacted] was given an opportunity to respond to the matters being considered, provide information or documents, or address the accuracy or completeness of material relevant to the assessment;

j. the final Preliminary Assessment report, outcome, findings, conclusions and recommendations, subject to any necessary redactions;

k. any draft or interim findings that were materially relied upon by a decision-maker before the final outcome was reached;

l. any covering email, briefing note, minute or other record by which the assessment outcome, findings or recommendations were provided to WorkSafe ACT;

m. who received, reviewed or was briefed on the outcome, findings or recommendations;

n. what action was recommended as a result of the assessment;

o. what action WorkSafe ACT decided to take, or not take, in response to the findings or recommendations;

p. any record explaining why a recommendation was accepted, rejected, varied or not implemented;

q. whether the Preliminary Assessment, its findings or its recommendations were referred to or taken into account in any complaint, investigation, probation, performance, conduct, disciplinary, medical assessment, rehabilitation, return-to-work or termination process involving [redacted] and

r. whether [redacted] was provided with the outcome, findings or recommendations and, if not, any record explaining why they were not provided.

If a Preliminary Assessment or equivalent process was considered but not commenced or completed, I would also like records sufficient to show that fact, including who made that decision and the reason recorded for it.

I am not seeking unrelated personal information about other employees. Where such information appears in a responsive record, I am content for it to be redacted where appropriate.

4. Performance, probation, conduct and termination

I would like records sufficient to show:

a. when concerns about [redacted] performance, probation, conduct, behaviour or workplace interactions were first recorded;

b. what those concerns were as recorded at the time;

c. who first raised or recorded them;

d. when any probation, performance, conduct or termination process began;

e. who initiated, recommended, reviewed or approved those processes;

f. the dates of any recommendations concerning probation, performance, conduct, misconduct or termination;

g. whether those concerns or proposed actions arose before or after [redacted] raised his workplace concerns;

h. the decision-making process leading to the termination of his employment, including recommendations, approvals and decision records;

i. whether any employer-initiated medical or fitness assessment formed part of, influenced, or occurred alongside any probation, performance, conduct or termination process; and

j. whether any Preliminary Assessment or equivalent preliminary process formed part of, influenced, preceded or occurred alongside any probation, performance, conduct or termination process.

I am not seeking [redacted] medical records, diagnosis, treatment information or unrelated personal information.

5. Independent medical examination or fitness-for-duty assessment

I would also like records sufficient to show whether WorkSafe ACT considered, proposed, arranged or directed [redacted] to attend an independent medical examination, fitness-for-duty assessment, occupational health assessment or other employer-initiated medical assessment.

If such an assessment was considered or used, I seek records showing:

a. when it was first considered or proposed;

b. who proposed, recommended, authorised or arranged it;

c. the stated reason or purpose for the assessment;

d. the legislative, employment, policy or other basis relied upon for proposing or requiring it;

e. the questions, instructions, referral information or terms of reference proposed or provided to the medical practitioner or assessment provider;

f. the identity of the assessment provider and practitioner, if applicable;

g. the dates of any proposed, scheduled, cancelled, rescheduled or completed appointments;

h. what documents or information WorkSafe ACT proposed to provide, or did provide, to the practitioner or assessment provider;

i. any process used to address the accuracy or completeness of information proposed to be supplied to the practitioner;

j. records concerning any procedural arrangements, requests or adjustments associated with the assessment, and WorkSafe ACT's response;

k. whether the proposed assessment, attendance, non-attendance, findings or outcome was considered in connection with probation, performance, conduct, rehabilitation, return to work or termination; and

l. any employment or management decision, recommendation or action arising from the proposed or completed assessment.

I am not seeking the substance of [redacted] private medical history, diagnosis, treatment or unrelated health information. My interest is in WorkSafe ACT's decision-making, the purpose and timing of any employer-initiated assessment, the information supplied to the examiner and how the process was used in employment decision-making.

6. Senior management and governance records

I would also like non-privileged records prepared for, provided to, or considered by the Work Health and Safety Commissioner, senior management, HR or other relevant executives concerning:

a. [redacted] workplace concerns;

b. the investigation into those concerns;

c. the relationship between any complaint, investigation, Preliminary Assessment or equivalent preliminary process and any probation, performance, conduct, medical assessment or termination process;

d. workplace culture, psychosocial risk, employee relations, governance or reputational risks arising from the matter; and

e. decisions or proposed actions arising from those issues.

This could include briefing notes, executive briefs, meeting records, decision records, action registers and risk or governance documents.

7. Court proceeding [redacted]

In relation to [redacted] filed on 7 November 2023 and discontinued on 17 September 2024, I would like non-privileged administrative and factual records showing:

a. when senior management or the Commissioner was informed that the proceeding had commenced;

b. any internal factual briefings or summaries of the allegations and issues in dispute;

c. which WorkSafe ACT officers were involved in providing factual information concerning the proceeding;

d. records concerning the decision or approval to defend the proceeding;

e. records identifying the factual information, records and WorkSafe ACT officers relied upon for the Respondent's Affidavit filed on 3 April 2024 and Defence filed on 30 April 2024, excluding privileged legal advice and privileged solicitor-client communications;

f. records concerning approval to participate in mediation or other assisted dispute resolution;

g. records recording the outcome or resolution of the proceeding, excluding privileged legal advice and confidential settlement negotiations; and

h. records informing senior management, the Commissioner or relevant governance bodies that the proceeding had been resolved or discontinued.

8. Costs and public expenditure

I would also like records sufficient to identify:

a. the total amount paid by WorkSafe ACT or the Territory in settlement or resolution of [redacted] if any;

b. the date of any settlement or resolution payment;

c. the position or office of the person who approved the expenditure;

d. external legal costs associated with [redacted]

e. costs paid to any external investigator engaged in relation to [redacted] workplace concerns;

f. costs associated with any external medical assessment or medical assessment provider referred to above; and

g. any other external professional costs specifically associated with the investigation or proceeding.

I am not seeking privileged legal advice or confidential settlement negotiations.

If a document contains both public expenditure information and confidential settlement terms, I would be happy to receive an edited copy with the protected material removed.

Personal information and redactions

I appreciate that some responsive records may contain personal information about [redacted] or other employees.

I am not seeking medical records, diagnoses, treatment information, residential addresses, private telephone numbers, personal email addresses, or unrelated personal information.

I am happy for that information to be redacted where appropriate.

I am, however, seeking information about actions and decisions taken by public servants in their official roles, including names and positions where disclosure is permitted.

Edited copies

If part of a responsive record cannot be released, I would prefer to receive an edited copy under section 50 of the Freedom of Information Act 2016, with only the information that cannot lawfully be disclosed removed.

I would appreciate documents not being withheld in full where the remaining information can practicably be released.

Metadata

For clarity, this request also expressly includes relevant metadata for the purposes of section 98, where reasonably practicable.

This includes document dates, authors, senders and recipients, subject or title, document type, relevant creation or modification dates, and records-management references or file locations where available.

Duplicates and scope

I do not need duplicate copies of identical records.

Where the same email or document appears in several files or systems, one complete copy is sufficient, unless another version contains different attachments, annotations, material amendments or materially different recipient information.

Where the information sought can be established from a smaller number of records, I do not require every record in which the same information appears.

I have used the words "records sufficient to show" in a number of places because I am interested in the relevant information and chronology rather than unnecessary duplication.

If any part of the request is considered too broad or likely to involve a substantial processing burden, I would appreciate the opportunity to discuss a practical refinement of that part before a decision is made not to deal with it.

Electronic copies by email would be preferred.

If access to any information is refused, I would appreciate the decision identifying, as far as practicable, the document or category involved, its general nature, and the basis on which access has been refused.

Please acknowledge receipt of this request.

Kind regards,

Attach additional documents to support your application

Submit application

Timeframes

The Directorate responsible for your application must:

- inform you in writing within 10 working days that it has received your application
- communicate to you about any difficulties/ delays in processing your request
- provide you with a decision on access to the information within 30 working days or less

Requests may take longer than 30 days in situations where an extension has been granted.

If the Directorate must consult a third party, the deadline for providing a decision is extended by 15 working days. The Directorate will notify you if consultation is required.

After you submit your request, the information you supply will be provided to:

- **Chief Minister, Treasury and Economic Development Directorate**
- **cmteddFOI@act.gov.au**

ACT Government
Chief Minister, Treasury and Economic Development

Our ref: CMTEDDFOI 2026-252

[redacted]

via email: [redacted]

Dear [redacted]

FREEDOM OF INFORMATION REQUEST – NOTICE OF DECISION

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 7 September 2026.

Specifically, you sought access to "*records held by WorkSafe ACT relating to its handling of workplace concerns raised by* [redacted] *the investigation and any preliminary assessment that followed, employment processes involving him, any employer-initiated medical assessment, and the subsequent* [redacted] *Court proceeding* [redacted]

Please refer to Appendix 1 for your full scope.

On 10 September 2026, you received a notice of intent to refuse your access application. The decision maker intended to refuse to deal with your application under section 35(1)(d) on two grounds:

1. section 43(1)(c), they are satisfied the application is an abuse of process.
2. section 43(1)(e), the access application was expressed to relate to government information of a kind that is taken to be contrary to the public interest to disclose under Schedule 1 (Schedule 1.1A Information in possession of a court or tribunal).

You responded on the 25 September 2026 to the notice of intent to refuse. You did not provide a revised scope and advised 'the application remains one made on 7 September 2026'.

Authority

I am an Information Officer appointed by the CMTEDD 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 within 30 days.

A consultation period of 10 days was provided to you.

Therefore, a decision is due by **3 November 2026.**

Decision on access

I am refusing to deal with your request on the following grounds:

1. ***I refuse to deal with this application under s 35(1)(d) as I am satisfied under s 43(1)(c) the application is an abuse of process.***

An abuse of process is defined to include the following:

- *harassment or intimidation of a person*
- *unreasonable request for personal information about a person.*

I consider your request to be an unreasonable request for personal information about someone other than yourself. Under the ACT Ombudsman *Guidelines for Dealing with Access Applications* (February 2020), for a request to be considered unreasonable the request is to be for personal information of another person with additional considerations including:

- the extent the applicant knows the information
- whether the person to whom the information relates is known to be (or to have been) associated with the information
- whether the personal information is sensitive information.

I consider the information you have requested to be sensitive and personal information that is publicly unknown. In addition, I have no knowledge of your relationship with the individual, a factor which can be taken into account despite section 17(2)(f) of the Act as section 17(3)(a) and (b) provides that an applicant's identity, circumstances and reason for seeking access to information may be taken into account if the information requested is personal information and not about the applicant.

In your response to the notice of intent to refuse you suggest that the information is not personal, or that the personal information can be redacted.

The *Information Privacy Act 2014*, section 8 (1) provides the meaning of personal information as:

(a) information or an opinion about an identified individual, or an individual who is reasonably identifiable—

(i) whether the information or opinion is true or not; and

(ii) whether the information or opinion is recorded in a material form or not; but

(b) does not include personal health information about the individual.

I consider release of the information you have requested to be personal information as defined by the *Information Privacy Act 2014.* I consider that not only names, phone numbers, addresses, and identifying details are personal information, but so are opinions if they can be reasonably attributed to an individual as to be identifiable. In this case, this information concerns not only [redacted], but other staff involved in the matter.

Requests for another person's complaints, workplace investigation records, preliminary assessment records, records regarding another person's work performance and conduct, independent medical examination are considered personal information. In addition, any medical information would be classed as health records and under the *Health Records (Privacy and Access) Act 1997*, would not be available to you.

2. ***I refuse to deal with this application under s 35(1)(d) as outlined in s 43(1)(e), the access application is expressed to relate to government information of a kind that is taken to be contrary to the public interest to disclose under Schedule 1.***

You have requested court records – [redacted]

As provided to you in the notice of intent to refuse, court records cannot be provided to you under Freedom of Information.

Statement of Reasons

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below. In reaching my access decisions, I have taken the following into account:

- the Act
- the information that falls within the scope of your request
- publicly available information
- Ombudsman Guidelines *Considering the Public Interest (2020)*
- Ombudsman Guidelines *Dealing with Access Applications (2020*
- *Health Records (Privacy and Access) Act 1997*
- *Information Privacy Act 2014*
- *Human Rights Act 2004*

As a decision maker, I am required to determine whether the information within scope is in the public interest to release. To make this decision, I am required to:

- assess whether the information would be contrary to public interest to disclose as per **Schedule 1** of the Act.

Exemptions claimed

Schedule 1: Information taken to be contrary to the public interest

My reasons for deciding not to grant access to the information or components of information found are as follows:

- *Section 1.1A - Information in possession of a court or tribunal.*

The court information you are seeking would be held in the court records which you can apply for.

- *Section 1.2 - Information subject to legal professional privilege.*

The information is privileged and the privilege has not been waived.

Charges

Processing charges are not applicable for this request because the number of pages 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 and my decision will be published on the CMTEDD disclosure log. Your personal contact details will not be published.

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 the CMTEDD FOI Team by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely



Emma Hotham

Information Officer
Chief Minister, Treasury and Economic Development Directorate

23 October 2026

APPENDIX 1

I am making a request under the Freedom of Information Act 2016 (ACT) for records held by WorkSafe ACT relating to its handling of workplace concerns raised by [redacted] the investigation and any preliminary assessment that followed, employment processes involving him, any employer-initiated medical assessment, and the subsequent [redacted] Court proceeding [redacted]

I am mainly interested in understanding the sequence of events, what WorkSafe ACT knew at different stages, how the issues were handled internally, and what decisions were made.

Unless otherwise indicated, could you please search for records created or received between **1 January 2023 and 17 September 2024.**

1. Workplace concerns raised by [redacted]

I would like records sufficient to show:

a) when [redacted] first raised concerns about workplace treatment, bullying, harassment, workplace culture, psychosocial hazards, management conduct or related issues;
b) who within WorkSafe ACT received, was copied into, or was briefed about those concerns;
c) how those concerns were described, classified or recorded at the time, including whether they were treated as a complaint, grievance, feedback, workplace concern, bullying allegation, psychosocial hazard or something else;
d) any decision about whether the concerns would be dealt with as a formal complaint, grievance or other workplace process; and
e) any record explaining the basis for that decision.

This includes relevant emails, file notes, meeting notes, HR records, briefing records and entries in case-management or records-management systems, but only to the extent necessary to answer the matters above.

2. Investigation into [redacted] concerns

I would like records relating to any investigation of those concerns, including:

a) the decision to appoint or engage an investigator;
b) the investigator's engagement letter, scope, terms of reference, instructions or equivalent document;
c) records showing when the investigation commenced;
d) records showing when any report, findings or recommendations were received by WorkSafe ACT;
e) the investigation report, findings and recommendations, subject to any necessary redactions;
f) any covering email, briefing note, minute or other record transmitting or summarising the report or findings;
g) records showing who received the report or findings;
h) records showing when the Commissioner, senior management or HR received, reviewed or were briefed on the report or findings;
i) records of any action, recommendation or decision arising from the investigation; and
j) records explaining any decision not to take further action, not to determine the concerns, or not to provide [redacted] with an outcome.

3. Preliminary Assessment or equivalent preliminary process

I would also like records sufficient to show whether any Preliminary Assessment (PA), preliminary inquiry, initial assessment, fact-finding process or similar preliminary process

was considered, commenced or conducted in relation to [redacted] his workplace concerns, or any concerns raised about his conduct, performance or employment.
If any such process was considered or undertaken, I seek records sufficient to show:

a) when the Preliminary Assessment or equivalent process was first proposed, commenced and completed;
b) who requested, authorised or initiated it;
c) who conducted the assessment, including their name, position and business area, or, if conducted externally, the organisation involved;
d) the purpose, scope, terms of reference, referral questions or instructions for the assessment;
e) the allegations, concerns, incidents or issues referred for assessment;
f) the categories of information and material considered, together with any document expressly relied upon in reaching the findings or recommendations;
g) the positions or roles of persons interviewed or consulted, where disclosure of names would raise privacy concerns;
h) whether [redacted] was informed that the Preliminary Assessment or equivalent process was being conducted and, if so, when and how;
i) whether [redacted] was given an opportunity to respond to the matters being considered, provide information or documents, or address the accuracy or completeness of material relevant to the assessment;
j) the final Preliminary Assessment report, outcome, findings, conclusions and recommendations, subject to any necessary redactions;
k) any draft or interim findings that were materially relied upon by a decision-maker before the final outcome was reached;
l) any covering email, briefing note, minute or other record by which the assessment outcome, findings or recommendations were provided to WorkSafe ACT;
m) m. who received, reviewed or was briefed on the outcome, findings or recommendations;
n) n. what action was recommended as a result of the assessment;
o) o. what action WorkSafe ACT decided to take, or not take, in response to the findings or recommendations;
p) p. any record explaining why a recommendation was accepted, rejected, varied or not implemented;
q) q. whether the Preliminary Assessment, its findings or its recommendations were referred to or taken into account in any complaint, investigation, probation, performance, conduct, disciplinary, medical assessment, rehabilitation, return-to-work or termination process involving [redacted] and
r) r. whether [redacted] was provided with the outcome, findings or recommendations and, if not, any record explaining why they were not provided.

If a Preliminary Assessment or equivalent process was considered but not commenced or completed, I would also like records sufficient to show that fact, including who made that decision and the reason recorded for it.
I am not seeking unrelated personal information about other employees. Where such information appears in a responsive record, I am content for it to be redacted where appropriate.

4. Performance, probation, conduct and termination

I would like records sufficient to show:

a) when concerns about [redacted] performance, probation, conduct, behaviour or workplace interactions were first recorded;
b) what those concerns were as recorded at the time;

c) who first raised or recorded them;
d) when any probation, performance, conduct or termination process began;
e) who initiated, recommended, reviewed or approved those processes;
f) the dates of any recommendations concerning probation, performance, conduct, misconduct or termination;
g) whether those concerns or proposed actions arose before or aft er [redacted] raised his workplace concerns;
h) the decision-making process leading to the termination of his employment, including recommendations, approvals and decision records;
i) whether any employer-initiated medical or fitness assessment formed part of, influenced, or occurred alongside any probation, performance, conduct or termination process; and
j) whether any Preliminary Assessment or equivalent preliminary process formed part of, influenced, preceded or occurred alongside any probation, performance, conduct or termination process.

I am not seeking [redacted] medical records, diagnosis, treatment information or unrelated personal information.

5. Independent medical examination or fitness-for-duty assessment

I would also like records sufficient to show whether WorkSafe ACT considered, proposed, arranged or directed [redacted] to attend an independent medical examination, fitness-for-duty assessment, occupational health assessment or other employer-initiated medical assessment.

If such an assessment was considered or used, I seek records showing:

a) when it was first considered or proposed;
b) who proposed, recommended, authorised or arranged it;
c) the stated reason or purpose for the assessment;
d) the legislative, employment, policy or other basis relied upon for proposing or requiring it;
e) the questions, instructions, referral information or terms of reference proposed or provided to the medical practitioner or assessment provider;
f) the identity of the assessment provider and practitioner, if applicable;
g) the dates of any proposed, scheduled, cancelled, rescheduled or completed appointments;
h) what documents or information WorkSafe ACT proposed to provide, or did provide, to the practitioner or assessment provider;
i) any process used to address the accuracy or completeness of information proposed to be supplied to the practitioner;
j) records concerning any procedural arrangements, requests or adjustments associated with the assessment, and WorkSafe ACT's response;
k) whether the proposed assessment, attendance, non-attendance, findings or outcome was considered in connection with probation, performance, conduct, rehabilitation, return to work or termination; and
l) any employment or management decision, recommendation or action arising from the proposed or completed assessment.

I am not seeking the substance of [redacted] private medical history, diagnosis, treatment or unrelated health information. My interest is in WorkSafe ACT's decision-making, the purpose and timing of any employer-initiated assessment, the information supplied to the examiner and how the process was used in employment decision-making.

6. Senior management and governance records

I would also like non-privileged records prepared for, provided to, or considered by the Work Health and Safety Commissioner, senior management, HR or other relevant executives concerning:

a) [redacted] workplace concerns;
b) the investigation into those concerns;
c) the relationship between any complaint, investigation, Preliminary Assessment or equivalent preliminary process and any probation, performance, conduct, medical assessment or termination process;
d) workplace culture, psychosocial risk, employee relations, governance or reputational risks arising from the matter; and
e) decisions or proposed actions arising from those issues.

This could include briefing notes, executive briefs, meeting records, decision records, action registers and risk or governance documents.

7. Court proceeding [redacted]

In relation to [redacted] filed on 7 November 2023 and discontinued on 17 September 2024, I would like non-privileged administrative and factual records showing:

a) when senior management or the Commissioner was informed that the proceeding had commenced;
b) any internal factual briefings or summaries of the allegations and issues in dispute;
c) which WorkSafe ACT officers were involved in providing factual information concerning the proceeding;
d) records concerning the decision or approval to defend the proceeding;
e) records identifying the factual information, records and WorkSafe ACT officers relied upon for the Respondent's Affidavit filed on 3 April 2024 and Defence filed on 30 April 2024, excluding privileged legal advice and privileged solicitor-client communications;
f) records concerning approval to participate in mediation or other assisted dispute resolution;
g) records recording the outcome or resolution of the proceeding, excluding privileged legal advice and confidential settlement negotiations; and
h) records informing senior management, the Commissioner or relevant governance bodies that the proceeding had been resolved or discontinued.

8. Costs and public expenditure

I would also like records sufficient to identify:

a) the total amount paid by WorkSafe ACT or the Territory in settlement or resolution of [redacted] if any;
b) the date of any settlement or resolution payment;
c) the position or office of the person who approved the expenditure;
d) external legal costs associated with [redacted]
e) costs paid to any external investigator engaged in relation to [redacted] workplace concerns;
f) costs associated with any external medical assessment or medical assessment provider referred to above; and
g) any other external professional costs specifically associated with the investigation or proceeding.

I am not seeking privileged legal advice or confidential settlement negotiations.
If a document contains both public expenditure information and confidential settlement terms, I would be happy to receive an edited copy with the protected material removed.