



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 2021-228

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](#)
Subject: Freedom of Information request
Date: Friday, 3 September 2021 11:59:02 AM

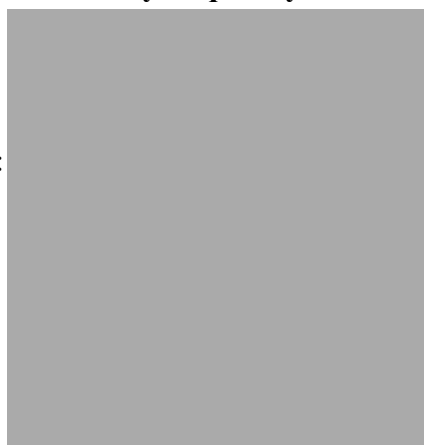
CAUTION: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

Your details

All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.

Title:
First Name:
Last Name:
Business/Organisation:
Address:
Suburb:
Postcode:
State/Territory:
Phone/mobile:
Email address:

A large grey rectangular box redacting the contact details provided in the form.

Request for information

(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)

Under the Freedom of Information Act 2016 I want to access the following document/s (*required field):

From WorkSafe ACT, copies of the following documents: -
copies of reports or complaints about workplace concerns/unsafe working environments - improvement notices - prohibition notices - fines issued in relation to a business trading as "Langtrees of Canberra" with brothel/escort agency licence number 16500288 and located at Unit 4-5, 32-34 Grimwade Street, MITCHELL, ACT, 2911. The timeframe for this request is 1/09/2011 - 31/08/2021. I am willing to accept partial access to these documents. I am also willing to accept edited copies of these documents. Please exclude all personal affairs information from the request. I am not seeking personal information. I wish to have duplicate documents removed from my request (i.e. only receive one copy of each document if more than one copy exists).

I do not want to access the following documents in relation to my request::

Thank you.

Freedom of Information Coordinator



ACT
Government

Chief Minister, Treasury and
Economic Development

Our ref: CMTEDDFOI 2021-228



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 September 2021.

Specifically, you are seeking: *"From WorkSafe ACT, copies of the following documents: - copies of reports or complaints about workplace concerns/unsafe working environments - improvement notices - prohibition notices - fines issued in relation to a business trading as "Langtrees of Canberra" with brothel/escort agency licence number 16500288 and located at Unit 4-5, 32-34 Grimwade Street, MITCHELL, ACT, 2911. The timeframe for this request is 1/09/2011 - 31/08/2021."*

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 1 October 2021 however following third-party consultations, the due date is now 25 October 2021.

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 the two documents relevant to your request.

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 decision is below.

Statement of Reasons

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

- the Act;
- the content of the documents that fall within the scope of your request; and
- 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:

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 factors identified as relevant in this matter, I consider that release of the information contained in the document may contribute to procedural fairness by allowing you to have a copy of the documents that fall within the scope of your request.

I also note the FOI Act has an express pro-disclosure bias which reflects the importance of public access to government information for the proper working of a representative democracy. This concept is promoted through the objects of the FOI Act. I have considered this overarching concept in making my decision in relation to access.

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 personal information (email addresses, phone numbers, identifying details 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 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

Processing charges are not applicable for this request because the 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 3 days after date of 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 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



Katharine Stuart
Information Officer
Information Access Team
Chief Minister, Treasury and Economic Development Directorate
19 October 2021



ACT
Government

Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
WorkSafe ACT copies of the following documents: reports or complaints about workplace concerns/unsafe working environments; improvement notices; prohibition notices; or fines issued in relation to a business trading as "Langtrees of Canberra" with brothel/escort agency licence number 16500288 and located at Unit 4-5, 32-34 Grimwade Street, MITCHELL, ACT, 2911. The timeframe for this request is 1/09/2011 - 31/08/2021.	CMTEDDFOI 2021-228

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1-5	Workplace visit report – Programmed Inspection	9 Nov 2016	Partial release	Sch 2 s2.2 (a)(ii) Out of Scope	Yes
2	6-9	Workplace visit – Programmed Inspection	16 Jan 2019	Partial release	Sch 2 s2.2 (a)(ii)	Yes
Total No of Docs						
2						

Workplace Visit report - Programmed inspection - submission confirmation

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

Date and time

09 Nov 2016 3:20:14 PM

Form submission ID

99118220161109158582

Tracking code

XTLTTH

To save a copy of the completed form and receipt, from the File menu select "Save a copy". To print a copy use the Print icon.

Access Canberra

GPO Box 158
Canberra City ACT 2601

Telephone: (02) 6207 3000

Initial information

Inspector ID *

P05554

Inspection number

WPV-P05554-QN7A5W

Assessment/Event number *

161109-001971

Lead inspector *

Jodie Fletcher

Accompanying inspector/other *

Liam Fowley / Tony Friend

Date *

08 Nov 2016

Time commenced *

14:05

Type of WPV *

☒ Proactive

☐ Reactive

Purpose of WPV *

☒ Programmed Inspection - Brothel

Legislation *

☒ Work Health and Safety Act 2011

☒ Workers Compensation Act 1951

Name of individual or registered company *

Langtrees Canberra

ABN

87 853 915 694

ACN

Business or trading name (if different)

VIP Lounge

Registered company address

Address line 1 *

32 Grimwade Street

Address line 2

Suburb *

Mitchell

State *

ACT

Postcode

2911

Contact name *

Sch 2.2(a)(ii)

Contact number *

Sch 2.2(a)(ii)

Email address

Sch 2.2(a)(ii)@langtrees.com

Workers compensation

Is a compulsory Workers Compensation Policy maintained? *

☒ Yes

☐ No

☐ Not applicable

Insurer name

Out of scope

Policy number

Out of scope

Expiry date of policy

Details of inspection

Site/Workplace address

☒ Same as registered address

Notification of entry to (as required by s164) *

☐ PCBU

☐ Supervisor

☐ Other

☒ Manager

☐ HSR

☐ N/A

Brothel

Area 1

Provision and maintenance of safe systems of work *

☒ Compliant

☐ Non-Compliant

☐ Not Applicable

Area 2

Fire Safety *

☒ Compliant

☐ Non-Compliant

☐ Not Applicable

Area 3

Entry and Exit *

☒ Compliant

☐ Non-Compliant

☐ Not Applicable

Area 4

Emergency procedures *

☒ Compliant

☐ Non-Compliant

☐ Not Applicable

Area 5

Adequate information, training and instruction *

☒ Compliant

☐ Non-Compliant

☐ Not Applicable

Area 6

Adequate ventilation *

☒ Compliant

☐ Non-Compliant

☐ Not Applicable

Area 7

Adequate facilities *

☒ Compliant

☐ Non-Compliant

☐ Not Applicable

Area 8

Personal Protective Equipment *

☒ Compliant

☐ Non-Compliant

☐ Not Applicable

Area 9

Slips, trips and falls *

☒ Compliant

☐ Non-Compliant

☐ Not Applicable

Area 10

Provision of First Aid *

☒ Compliant

☐ Non-Compliant

☐ Not Applicable

Area11

Safety data Sheets (SDS) *

☐ Compliant

☐ Non-Compliant

☒ Not Applicable

Area12

Person Trained to Administer First Aid *

☒ Compliant

☐ Non-Compliant

☐ Not Applicable

Inspector notes *

Eye was to be replaced as it is out of date

Further action

Further action required? *

☐ Yes

☒ No

Finalisation details

WPV for asbestos related issue *

☐ Yes

☒ No

Industry group *

Other Services

Compliant at initial proactive inspection? *

☒ Yes

☐ No

Time finished

14:25

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, Dangerous Substances General Regulation 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.

The email address below has been derived from the name you entered. Please ensure the email address is correct.

Lead inspector email address *

Jodie.Fletcher@act.gov.au

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

1

Email 1 *

Sch 2.2(a)(ii) @langtrees.com

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 *

P32677

Inspection number

WPV-P32677-VFWX5I

Event number

Lead inspector *

Rodney Carnall

Is there any accompanying inspectors *

☒ Yes ☐ No

Item Number 1

Accompanying inspector/Other *

Mark Boyle

Item Number 2

Accompanying inspector/Other *

Jodie Fletcher

Date *

16 Jan 2019

Time commenced *

13:05

Type of WPV *

☒ Proactive ☐ Reactive

Purpose of WPV *

Programmed Inspection

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 *

Langtrees Pty Ltd

ABN

81063270897

ACN

Business or trading name (if different)

Langtrees of Canberra

Registered company address

Address line 1 *

4-5 32 Grimw3ade Street

Address line 2

Suburb *

Mitchell

State *

ACT

Postcode *

2911

Contact name *

Sch 2.2(a)(ii)

Contact number *

Sch 2.2(a)(ii)

Email address *

Sch 2.2(a)(ii)
@langtrees.com

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 Carnall, Boyle and Fletcher attended Langtrees of Canberra 32 Grimwade Street Mitchell as the result of an ACT wide targeted campaign. Spoke to Sch 2.2(a)(ii) There were 37 staff working at that location. Health checks sighted as was First aid and fire fighting equipment. Manager Sch 2.2(a)(ii) is the holder of current first aid certificate. Nil other safety issues noted. Premises clean neat and tidy.

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 *

Other Services

Compliant at initial proactive inspection? *

☒ Yes ☐ No

Time finished *

14:05

Disclaimer:

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Lead inspector email address *

Rodney.Carnall@act.gov.au

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

3

Email 1 *

Sch 2.2(a)(ii)@langtrees.com

Email 2 *

mark.boyle@act.gov.au

Email 3 *

jodie.fletcher@act.gov.au

Privacy notice

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