



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 2024-342
Date of Application	23 October 2024
Date of Decision	20 December 2024
Processing time (in working days)	42
Fees	Waived
Decision on Access	Partial Release
Information Requested (summary)	Email correspondence with WorkSafe ACT between 1 February 2024 and 20 September 2024 with @ljhookerstrata.com.au and @elevatedconstructions.com.au, including soil and or mulch testing results for suburbs ending in postcode '611.
Publication Details	
Original application	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision notice	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Documents and schedule	<input checked="" type="checkbox"/> Published <input type="checkbox"/> N/A
Decision made by Ombudsman	N/A
Additional information identified by Ombudsman	N/A
Decision made by ACAT	N/A
Additional information identified by ACAT	N/A

From: [CMTEDD FOI](#)
To: [REDACTED]
Cc: [CMTEDD FOI](#)
Subject: RE: FOI Request - ****OVERDUE**** - CMTEDDFOI 2024-342
Date: Wednesday, 23 October 2024 11:36:20 AM

OFFICIAL: Sensitive - Personal Privacy

Good morning,

Thank you for your email below.

Our team does not have any record of previously receiving this request.
We have allocated this request for information reference number **CMTEDDFOI 2024-342**.

You will be sent a formal acknowledgement in due course, under the *Freedom of Information Act 2016 (the ACT)*.

In the meantime, can you please forward, or send to us the email where you sent in the request so we can look into the issue of the Information Access team not receiving your previous correspondence. The email chain below does not show where you sent the email to on 21 September 2024.

You can either forward the complete original email, or reattach by reply email, to:
CMTEDDFOI@act.gov.au

-

Please include reference number **CMTEDDFOI 2024-342** in the subject line of any emails.

Kind regards

Information Access Team

Phone: 02 6207 7754 | CMTEDDFOI@act.gov.au

Chief Minister, Treasury and Economic Development Directorate | **ACT Government**

220 London Circuit, Canberra City | GPO Box 158 Canberra ACT 2601 | www.act.gov.au

From: [REDACTED]
Sent: Wednesday, 23 October 2024 12:51 AM
To: CMTEDD FOI <CMTEDDFOI@act.gov.au>
Subject: Re: FOI Request - ****OVERDUE****

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

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

To whom it may concern,

When can a response to, and fulfilment of, the below FOI request sent 21 Sep 2024 be expected?

On Sat, 21 Sept 2024, 00:40 - -, [REDACTED] > wrote:

To whom it may concern,

Could I please obtain a copy of:

- i) All emails and their attachments sent or received between WorkSafe ACT and email addresses with a suffix of 'ljhookerstrata.com.au' between 01 Feb 2024 and 20 Sep 2024;
- ii) All emails and their attachments sent or received between WorkSafe ACT and email addresses with a suffix of 'elevatedconstructions.com.au' between 01 Feb 2024 and 20 Sep 2024;
- iii) All emails and their attachments sent or received between Chief Minister, Treasury and Economic Development Directorate (CMTEDD) and email addresses with a suffix of 'ljhookerstrata.com.au' between 01 Feb 2024 and 20 Sep 2024; and
- iv) All test results or reports sent or received by WorkSafe ACT between 01 February 2024 and 20 September 2024 pertaining to soil or mulch testing within ACT suburbs that have a postcode ending in '611'.

Please provide the requested information to [REDACTED] in accordance with legislated timeframes.

Thank you.



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 23 October 2024.

Specifically, you have sought access to the following information:

- “i) All emails and their attachments sent or received between WorkSafe ACT and email addresses with a suffix of 'ljhookerstrata.com.au' between 01 Feb 2024 and 20 Sep 2024;*
- ii) All emails and their attachments sent or received between WorkSafe ACT and email addresses with a suffix of 'elevatedconstructions.com.au' between 01 Feb 2024 and 20 Sep 2024;*
- iii) All emails and their attachments sent or received between Chief Minister, Treasury and Economic Development Directorate (CMTEDD) and email addresses with a suffix of 'ljhookerstrata.com.au' between 01 Feb 2024 and 20 Sep 2024; and*
- iv) All test results or reports sent or received by WorkSafe ACT between 01 February 2024 and 20 September 2024 pertaining to soil or mulch testing within ACT suburbs that have a postcode ending in '611'.”*

I note that the CMTEDD FOI Team consulted with you about the broad nature of part 3 of the scope to enable searches of records by reducing the scope of the request.

On 30 October 2024 you revised part 3 of your requested scope to the following:

“iii) A Comma-Separated Values (.CSV) file derived from Information and Communications Technology (ICT) logs, which contains metadata for all email events between 01 Jan 2024 and 31 Oct 2024 pertaining to emails communicated between email addresses with a suffix of 'act.gov.au' and email addresses with a suffix of 'ljhookerstrata.com.au'. The file is to include metadata for the timestamp, sender address, recipient addresses, email subject, and attachment names, for each email event matching the criteria stipulated.

You will note that the above refined scope is very specific, and does not require actual emails to be recovered, but rather a simple .CSV file containing the requested metadata to be produced in the public interest.

As the ACT Government is required to hold such information to ensure compliance with legislation, and that an ICT professional should be able to extract and download the requested metadata to a Comma-Separated Values file within

minutes, I trust that this refined scope alleviates your concerns about unreasonable diversion of resources.”

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.

As this matter required third party consultation, the decision due date was extended by 15 working days, in accordance with section 40(2) of the Act.

Therefore, a decision is due by **2 January 2025**.

Decision on access

Under section 35(2) of the Act an access application may be dealt with in more than one way.

I have decided to give access to information within your requested scope under section 35(1)(a) of the Act.

I have decided to refuse to deal with any outstanding parts of your request, related to part three of your request, under section 35(1)(e) of the Act.

Searches of CMTEDD records have identified **30** documents within the scope of your request. This includes emails and their attachments. The attachments include images, Notices issued by the Regulator to third parties, invoices, test results and a copy of an anonymous complaint.

I have decided to grant **full access** to two documents; grant **partial access** to 17 documents and not release 11 documents.

I have decided to refuse to deal with the remainder of your request under section 43 of the Act. A Notice of Intention to Refuse and next steps in relation to that portion of your request is attached to this letter at **Appendix A**.

The records identified as relevant to your application are listed in the schedule enclosed at **Attachment A**. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

Release of documents

The information being released to you is provided at **Attachment B**.

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
- third party views

- *Human Rights Act 2004.*
- *Work Health and Safety Act 2011*
- ACT Ombudsman Freedom of Information Guidelines
- publicly available information

Duplicate information has been excluded, such as duplicate emails, or redacted where duplicate emails are part of a chain, in accordance with ACT Ombudsman Freedom of Information guidelines.

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.
- perform the public interest test as set out in section 17 of the Act by balancing the factors favouring disclosure and factors favouring non-disclosure in **Schedule 2** of the Act.

Exemptions claimed

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

No Schedule 1 factors were identified. Therefore, this has not been a consideration in my decision.

Public Interest Test

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, the public interest 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.

Schedule 2: Factors to be considered when deciding the public interest.

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 (Section 2.1)

Disclosure of the information could reasonable be expected to do the following:

- Section 2.1(a)(i) - promote open discussion of public affairs and enhance the government’s accountability.
- Section 2.1(a)(ii) - contribute to positive and informed debate on important issues or matters of public interest.
- Section 2.1(a)(iii) - inform the community of the government’s operations, including the policies, guidelines and codes of conduct followed followed by the government in its dealings with members of the community.

- Section 2.1(a)(viii) - reveal the reason for a government decision and any background or contextual information that informed the decision.
- Section 2.1(a)(xi) - reveal environmental or health risks or measures relating to public health and safety.

I have given small weight to the above factors. The material requested does not relate to a single topic and therefore I have not given these factors significant weight as the factors have limited relevance to the material.

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

Factors favouring nondisclosure (under Schedule 2, Section 2.2 of the Act)

Disclosure of the information could reasonably be expected to do the following:

- Section 2.2(a)(ii) - prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004*.
- Section 2.2(a)(ix) - prejudice the flow of information to the police or another law enforcement or regulatory agency.
- Section 2.2(a)(xi) - prejudice trade secrets, business affairs or research of an agency or person.

Documents within the requested scope are documents received related to investigations by WorkSafe ACT, which include personal and business information of third parties.

Third party consultation was undertaken related to information held within scope of the request. There were a variety of submissions received from third parties objecting to the release of information.

Section 17(2) of the Act lists a number of considerations to not be taken into account when deciding on whether the release of information would, on balance, be contrary to the public interest. This section states as follows:

- (a) access to the information could result in embarrassment to the government, or cause a loss of confidence in the government;*
- (b) access to the information could result in a person misinterpreting or misunderstanding the information;*
- (c) the author of the information was (or is) of high seniority in an agency;*
- (d) access to the information could result in confusion or unnecessary debate;*
- (e) access to the information could inhibit frankness in the provision of advice from the public service;*
- (f) the applicant's identity, circumstances, or reason for seeking access to the information.*

Section 17(3) states that despite section 17(2)(f) of the Act, the applicant's identity, circumstances and reason for seeking access to the information may be taken into account as follows:

- (a) the information requested is personal information; and*
- (b) the personal information is not about the applicant.*

In this respect I note that some of the documents within scope of your requested information contain personal information of third parties. Therefore, this has been considered in my decision.

Third parties made some submissions objecting to the release of information on grounds similar to section 17(2)(b) and or section 17(2)(d), and reasons were provided that the release of information could result in the misinterpretation of the information. However, I have not taken this into consideration. I have taken into account objections to the release of information on the schedule 2, section 2.2 factors indicated above.

I have taken into account that material within scope of your request was provided in response to investigations by WorkSafe ACT under the *Work Health and Safety Act 2011*.

The information could understandably be of concern to the relevant third parties because the information contains personal information about individuals where disclosure of the information would, or could reasonably be expected to, affect the person's rights under the *Human Rights Act 2004*. The information also concerns the trade secrets, business affairs, or research of the relevant third parties. Some of the information includes unsubstantiated allegations against third parties, and the disclosure could prejudice the fair treatment of those individuals. I have redacted personal information such as names, signatures, contact numbers, and personal thoughts and opinions of third parties.

I have redacted confidential business information, in line with objections received by third parties.

Having considered the factors identified as relevant in this matter, I consider that release of information contained in these documents may contribute to the understanding of and providing background contextual information for matters related to public health and safety by allowing you to have a complete record of the documents associated with WorkSafe ACT investigations in their capacity as regulator when investigating complaints.

However, when considering this finding against the factors favouring non-disclosure, I am satisfied that the protection of an individual's right to privacy, especially information collected in the capacity of their employment for the purposes of assisting the regulator for the purpose of conducting an investigation into issues related to public health and safety, is a significant factor. The parties involved have provided their personal information for the purposes of employment and compliance with investigations, which in my opinion, outweighs the benefit which may be derived from releasing the personal information of the individual's involved in this matter. These 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.

I have also considered the impact of disclosing information which relates to business affairs. In the case of *Re Mangan and The Treasury* [2005] AATA 898 the term 'business affairs' was interpreted as meaning 'the totality of the money-making affairs of an organisation or undertaking as distinct from its private or internal affairs'. Schedule 2 section 2.2(a)(xi) allows for government information to be withheld from release if disclosure of the information could reasonably be expected to prejudice the trade secrets, business affairs or research of an agency or person. Businesses undertaking compliance activities in the ACT may expect that any sensitive business information they provide to the Government will be held in confidence. Information within your requested scope includes invoices and images that contain sensitive business information related to Work Health and Safety specific to these third party businesses.

I note individuals and businesses have provided information and disclosure of this information would enable a person to ascertain the identity of confidential sources in relation to the enforcement or administration of the law. Third parties have objected to

the release of the information that identifies the sources of information wished their identity to be known only to those who need to know it for the purpose of administering the law, and the information was supplied on the express or implied understanding that the source's identity would remain confidential. Releasing the information without contrary to the public interest information being redacted would undermine the investigation process and would deter people from assisting the regulator with investigations including full and frank disclosure.

I have taken into consideration publicly available information. Some information has been published for MPCFOI2024-26, which is published here:

https://www.act.gov.au/data/assets/pdf_file/0003/2627202/MPCFOI2024-26.pdf

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 applicable for this request because the total number of pages to be released to you exceeds the charging threshold of 50 pages. However, the charges have been waived.

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

20 December 2024



ACT
Government

Chief Minister, Treasury and
Economic Development

Appendix A - Consultation notice to applicant – refusal to deal

Our ref: CMTEDDFOI 2024-342

NOTICE OF INTENTION TO REFUSE TO DEAL WITH YOUR ACCESS APPLICATION

I am writing to advise you that I intend to refuse to deal with part of your access application made under the *Freedom of Information Act 2016* (FOI Act) received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 23 October 2024. Specifically, you have sought access to the following information:

“i) All emails and their attachments sent or received between WorkSafe ACT and email addresses with a suffix of 'ljhookerstrata.com.au' between 01 Feb 2024 and 20 Sep 2024;

ii) All emails and their attachments sent or received between WorkSafe ACT and email addresses with a suffix of 'elevatedconstructions.com.au' between 01 Feb 2024 and 20 Sep 2024;

iii) All emails and their attachments sent or received between Chief Minister, Treasury and Economic Development Directorate (CMTEDD) and email addresses with a suffix of 'ljhookerstrata.com.au' between 01 Feb 2024 and 20 Sep 2024; and

iv) All test results or reports sent or received by WorkSafe ACT between 01 February 2024 and 20 September 2024 pertaining to soil or mulch testing within ACT suburbs that have a postcode ending in '611'.”

I have decided to not deal with part of part 3 of your application, which requested access to the following:

“iii) All emails and their attachments sent or received between Chief Minister, Treasury and Economic Development Directorate (CMTEDD) and email addresses with a suffix of 'ljhookerstrata.com.au' between 01 Feb 2024 and 20 Sep 2024”

On 30 October 2024, you revised the scope of part 3 of your request to:

“iii) A Comma-Separated Values (.CSV) file derived from Information and Communications Technology (ICT) logs, which contains metadata for all email events between 01 Jan 2024 and 31 Oct 2024 pertaining to emails communicated between email addresses with a suffix of 'act.gov.au' and email addresses with a suffix of 'ljhookerstrata.com.au'. The file is to include metadata for the timestamp, sender address, recipient addresses, email subject, and attachment names, for each email event matching the criteria stipulated.

You will note that the above refined scope is very specific, and does not require actual emails to be recovered, but rather a simple .CSV file containing the requested metadata to be produced in the public interest.”

In your email of 30 October 2024, you also stated:

“As the ACT Government is required to hold such information to ensure compliance with legislation, and that an ICT professional should be able to extract and download the requested metadata to a Comma-Separated Values file within minutes, I trust that this refined scope alleviates your concerns about unreasonable diversion of resources.”

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.

Why I intend to refuse your request

I intend to refuse to deal with this portion of your access application, under section 43(1)(a), and section 44 of the Act, because:

- dealing with the application would require an unreasonable and substantial diversion of resources

I have decided the remainder of your application, (part three of your request), would require an unreasonable and substantial diversion of resources. I note you also requested information on 30 October 2024, that included a future date range, which included 31 October 2024 that was not available on the date of your request.

I note some of the information is available to you, for part 3 of your request, as the information overlaps with information being released with the Notice of Decision Letter for CMTEDDFOI 2024-342 at **Attachments A and B** to that letter. Part 3 of your request overlaps with part 1 and part 4 of your request for CMTEDDFOI 2024-342.

Searches for records within scope of your original scope were conducted. Information provided to us by business units holding records was that of the scope for part three of the request was too broad and therefore we consulted with you to have the scope of requested information narrowed down to assist to identify relevant records for your request. On 28 October 2024 we emailed you to clarify the scope of your requested information.

We also asked to you provide your identity to assist to locate records relevant to your request. In trying to negotiate the scope we provided some examples to assist you, which included asking if you had made a complaint about LJ Hooker Strata or were you acting as an agent.

In reply you stated as follows:

“The scope of my request is very specific and clear and remains as stated. The reasons for my request include but are not limited to exposing potential corruption, and to understand why ACT Government entities cannot meet deadlines on various matters including significant public health and safety matters, for which the content and timings of all requested emails and their attachments will help substantiate.

*If you need help to identify and recover the information requested in a **timely** an **efficient** manner, I would suggest you contact a competent member of your ICT*

Security team whom will be able to identify the emails requested within minutes through audit of your email gateway security logs. ...”

On 30 October 2024, we informed you that your email of 28 October 2024 did not clarify and refine the scope of your requested information.

Additional information has been publicly released as part of MPCFOI2024-26, which is available here:

https://www.act.gov.au/_data/assets/pdf_file/0003/2627202/MPCFOI2024-26.pdf

Your revised scope requests metadata. Section 98 of the Act states that an access to metadata about a record containing the information is sought, access to the metadata does not need to be given unless access is reasonably practicable.

A large amount of third party consultation has already been undertaken and any additional third party consultation would be likely to substantially inhibit CMTEDD’s ability to manage and process freedom of information requests for other members of the public.

I note that it is not reasonable to identify and locate the emails referred to in your request, including large amounts of resources would be required to search through records both manually and electronically, especially in circumstances where no subject matter, or the recipient email address such as a group email address, have been provided to provide context to your scope, and therefore not reasonably practicable to also then provide metadata. I note that in section 98(3) of the Act, it states: “**metadata** about a record, includes information about the record’s content, author, publication date and physical location.”

If you decide to rescope your request, I would suggest that you take into consideration any requested scope that may be exempt from release. For example, information may be exempt from release under schedule 1 of the Act, which may include: sensitive information under section 1.3, and possibly may include section 1.14 law enforcement and public safety information if a matter is under active investigation.

I have decided that dealing with the remainder of your request involves an unreasonable and substantial diversion of resources. Your requested scope does not identify subject matter for correspondence noting your requested scope of “all email events” does not assist us to identify records within our record keeping practices under the *Territory Records Act 2002*.

I note that my team has attempted to work with you to rescope your request but this has resulted in widening the scope of requested information and did not assist us to identify areas holding records within your request. Your original scope and rescope did not identify any subject matter (or topic) for the content of the documents. In addition, part 3 of your request may overlap with business units holding sensitive material of third parties that is exempt from release, such as email correspondence relating to tax information.

If there is a specific topic, or a business unit holding records, I would strongly suggest you identify that in any rescope. You may wish to review the material being released to you prior to doing this.

I have formed the preliminary view that it is not a reasonable use of ACT Government resources to assist you further with a rescope when you have not identified further what information you are seeking by topic to enable us to conduct searches, in circumstances where a decision on some of the information within your requested scope has already been released.

What happens next?

Before I make a decision, you have an opportunity to provide me with an amended application or any additional information relevant to your application that would address the concerns with your application outlined above.

If you do so, I recommend that you address my reasons outlined above for intending to refuse your application.

The consultation period as allowed under section 46(4)(a) of the Act is 10 working days. If you wish to submit a further scope revision, you will need to do so by **13 January 2025**.

Further assistance

If you have any questions in relation to your access application, please contact the CMTEDD FOI Team on by email CMTEDDFOI@act.gov.au.

Yours sincerely



Emma Hotham
Information Officer

20 December 2024



ACT
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Chief Minister, Treasury and
Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST

Reference No.

CMTEDDFOI 2024-342

Revised scope:

- "i) All emails and their attachments sent or received between WorkSafe ACT and email addresses with a suffix of '@ljhookerstrata.com.au' between 01 Feb 2024 and 20 Sep 2024;*
- ii) All emails and their attachments sent or received between WorkSafe ACT and email addresses with a suffix of '@elevatedconstructions.com.au' between 01 Feb 2024 and 20 Sep 2024;*
- iii) A Comma-Separated Values (.CSV) file derived from Information and Communications Technology (ICT) logs, which contains metadata for all email events between 01 Jan 2024 and 31 Oct 2024 pertaining to emails communicated between email addresses with a suffix of '@act.gov.au' and email addresses with a suffix of '@ljhookerstrata.com.au'. The file is to include metadata for the timestamp, sender address, recipient addresses, email subject, and attachment names, for each email event matching the criteria stipulated. You will note that the above refined scope is very specific, and does not require actual emails to be recovered, but rather a simple .CSV file containing the requested metadata to be produced in the public interest; and*
- iv) All test results or reports sent or received by WorkSafe ACT between 01 February 2024 and 20 September 2024 pertaining to soil or mulch testing within ACT suburbs that have a postcode ending in '611'."*

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
Emails with '@ elevatedconstructions.com.au '						
1	1	Email - Report a Workplace Concern or Issue, J27MKDFD, Other [SEC=UNCLASSIFIED, DLM=Sensitive_Personal]	27/02/2024	Full		Yes
2	2-3	Attachment - J27MKDFD - Report a Workplace Concern or Issue - Submission confirmation	27/02/2024	Full		Yes
3	4-5	Email -Subject: "... Worksafe Site Inspection"	01/03/2024	Exempt	Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(ix) Sch 2, s 2.2(a)(xi)	No
4	6	Folio 3 Attachment – Certificate/Inspection Report for scaffolding	01/03/2024	Exempt	Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(ix) Sch 2, s 2.2(a)(xi)	No
5	7-15	Folio 3 Attachment - eight pictures	undated	Partial	Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(ix) Sch 2, s 2.2(a)(xi)	Yes
6	16-17	Email - Subject: "... Worksafe Site Inspection"	04/03/2024	Partial	Duplicate Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(xi)	Yes
7	18-21	Email – Subject: Notifiable Incident – Cotter Road ..."	20/02/2024	Partial	Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(ix) Sch 2, s 2.2(a)(xi)	Yes

8	22	Attachment to Folio 7 – Document – Toolbox Talk	20/02/2024	Partial	Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(ix) Sch 2, s 2.2(a)(xi)	Yes
9	23-25	Attachment to Folio 7 – Document – SWMS Review	11/07/2023	Exempt	Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(ix) Sch 2, s 2.2(a)(xi)	No
10	26-32	Attachment to Folio 7 – Document – High Risk SWMS	11/12/2023	Exempt	Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(ix) Sch 2, s 2.2(a)(xi)	No
11	33-34	Attachment to Folio 7 – Document – Incident Investigation	19/02/2024	Exempt	Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(ix) Sch 2, s 2.2(a)(xi)	No
12	35-37	Attachment to Folio 7 – Document – Electrical Isolation Permit	20/02/2024 and 08/11/2023	Partial	Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(ix) Sch 2, s 2.2(a)(xi)	Yes
13	38	Attachment to Folio 7– Document – handwritten notes – Isolation Resistance	undated	Exempt	Sch 2, s 2.2(a)(ix) Sch 2, s 2.2(a)(xi)	No
14	39-42	Attachment to Folio 7 – Document – Site Induction	11/12/2023	Exempt	Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(ix) Sch 2, s 2.2(a)(xi)	No
15	43	Attachment to Folio 7 – Image	undated	Partial	Sch 2, s 2.2(a)(xi)	Yes
16	44-53	Attachment to Folio 7– Document – Silica SWMS	11/12/2023	Exempt	Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(ix) Sch 2, s 2.2(a)(xi)	No
17	54	Email chain – Subject: “ ... Townhouses and apartments block”	13/03/2024	Partial	Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(ix) Sch 2, s 2.2(a)(xi)	Yes
18	55-56	Attachment to Folio 18 - Lab result – sample date 12/03/2024	13/03/2024	Partial	Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(xi)	Yes
Emails with '@ljhookerstrata.com.au'						
19	57-61	Email chain – Subject: “... Denman Prospect ACT 2611”	21/02/2024-05/03/2024	Partial	Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(ix) Sch 2, s 2.2(a)(xi)	Yes
20	62	Invoice for 22/03/2023	undated	Exempt	Sch 2, s 2.2(a)(xi)	No
21	63	Invoice	15/03/2023	Exempt	Sch 2, s 2.2(a)(xi)	No
22	64	Invoice	15/03/2023	Exempt	Sch 2, s 2.2(a)(xi)	No
23	65	Email chain – Subject: “... Denman Prospect ACT 2611”	29/02/2024	Partial	Duplicate Sch 2, s 2.2(a)(ii)	Yes

24	66	Email chain – Subject: “... Denman Prospect ACT 2611”	07/03/2024	Partial	Duplicate Sch 2, s 2.2(a)(ii)	Yes
25	67	Email chain – Subject: “... Denman Prospect ACT 2611”	07/03/2024	Partial	Sch 2, s 2.2(a)(ii) Duplicate	Yes
26	68-70	Email chain – Subject: “... Prohibition Notice ...”	14/03/2024-15/03/2024	Partial	Sch 2, s 2.2(a)(ii)	Yes
27	69-70	Email chain – Subject: “... Denman Prospect ACT 2611”	15/03/2024-16/04/2024	Partial	Duplicate Sch 2, s 2.2(a)(ii) Sch 2, s 2.2(a)(ix) Sch 2, s 2.2(a)(xi)	Yes
28	71-74	Email chain – Subject: “... Denman Prospect ACT 2611”	14/03/2024-13/04/2024	Partial	Duplicate Sch 2, s 2.2(a)(ii)	Yes
29	75-77	Prohibition Notice	14/03/2024	Partial	Sch 2, s 2.2(a)(ii)	Yes
30	78-80	Prohibition Notice	18/04/2024	Partial	Sch 2, s 2.2(a)(ii)	Yes
Total No of Docs						
30						

From: smartforms@act.gov.au
To: [WorkSafe](#)
Subject: Report a Workplace Concern or Issue, J27MKDFD, Other [SEC=UNCLASSIFIED, DLM=Sensitive: Personal]
Date: Tuesday, 27 February 2024 2:26:55 PM
Attachments: [J27MKDFD.pdf](#)

Report a Workplace Concern or Issue

Form data summary

WorkSafe category	Other
Workplace name	The borough, Denman
Submit anonymously	true
Reference code	J27MKDFD

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

Report a Workplace Concern or Issue - Submission confirmation

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

Date and time

Reference code

27 Feb 2024 2:25:53 PM

J27MKDFD

Work safe ACT

PO Bo 158
Canberra ACT 2601

Phone: 1 22 81
Email: worksafe@act.gov.au

Report a Workplace Concern or Issue

Concern/issue details

If this matter is a notifiable incident in accordance with sections 35 to 39 of the *Work Health and Safety Act 2011* and the *Work Health and Safety Regulations 2011* please complete the Notifiable Incident Report form (https://www.worksafe.act.gov.au/__data/assets/pdf_file/0006/1807314/Notifiable-Incident-Report-Form-.pdf).

WorkSafe category *

Other

Workplace name *

The borough, Denman

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

Whole site seems unsafe, barriers egress etc

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

Workplace address (if known)

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

Address line 1

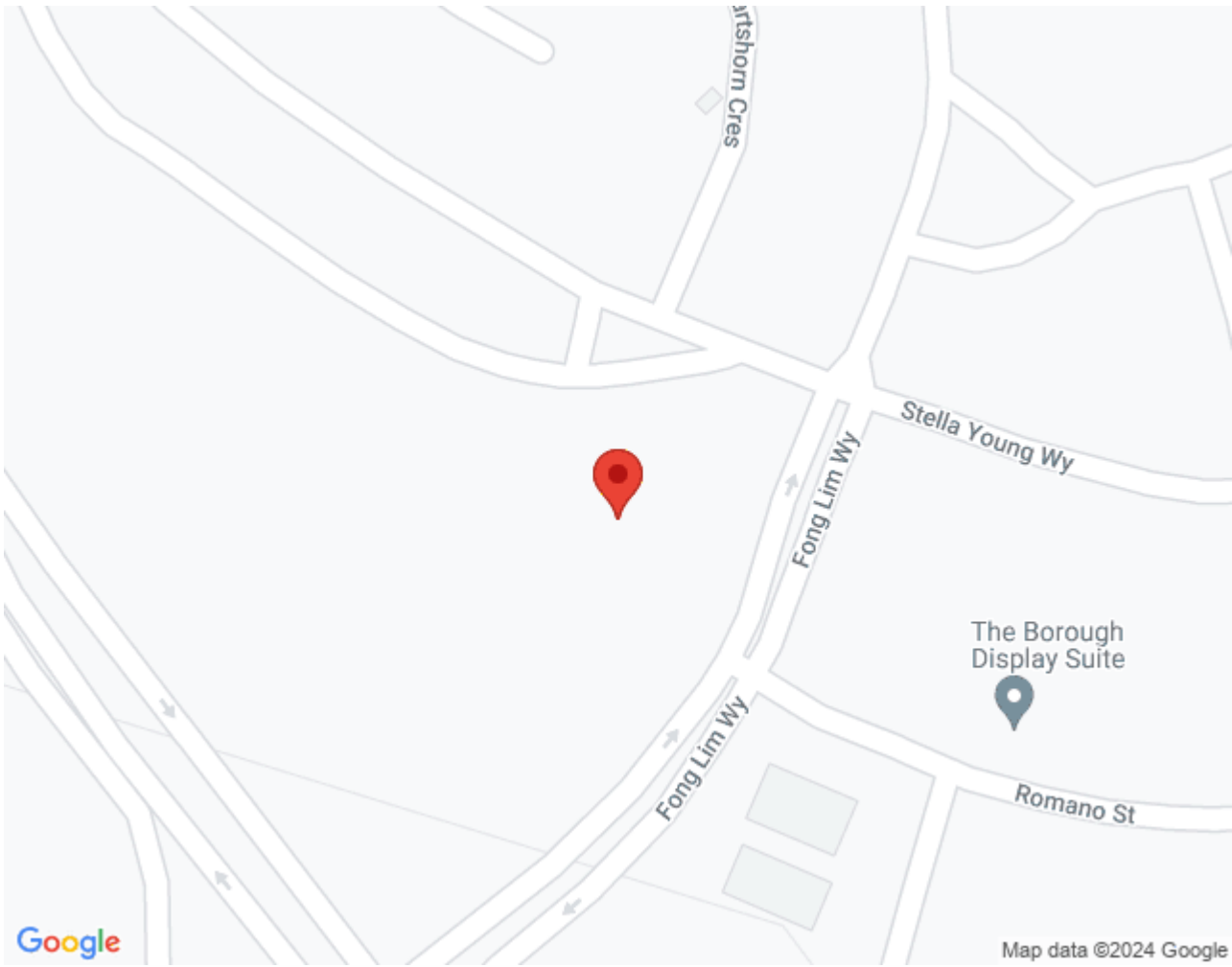
Address line 2

Suburb

State

ACT

Postcode



Your contact information

Submit anonymously



Sch 2.2(a)(ii), Sch 2.2(a)(xi), Sch 2.2(a)(ix)



Sch 2.2(a)(ix), Sch 2.2(a)(xi)













Sch 2.2(a)(ii), Sch 2.2(a)(xi)

Sch 2.2(a)(ii), Sch 2.2(a)(xi)



From: Sch 2.2(a)(ii)
To: [Clayworth, Aaron](#)
Subject: RE: The Borough - Worksafe Site Inspection
Date: Monday, 4 March 2024 8:51:02 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

You don't often get email from Sch 2.2(a)(ii), Sch 2.2(a)(xi). [Learn why this is important](#)

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Thanks Aaron, I will let me site team know they can recommence works in these areas.

Regards,

Sch 2.2(a)(ii)

Sch 2.2(a)(xi), Sch 2.2(a)(ii)

From: Clayworth, Aaron <Aaron.Clayworth@worksafe.act.gov.au>
Sent: Monday, March 4, 2024 8:34 AM
To: Sch 2.2(a)(ii), Sch 2.2(a)(xi)
Subject: RE: The Borough - Worksafe Site Inspection

You don't often get email from aaron.clayworth@worksafe.act.gov.au. [Learn why this is important](#)

OFFICIAL

Good morning Sch 2.2(a)(ii)

Thank you for your email. I am satisfied that compliance has been met with both Prohibition Notices issued and appreciate the actions taken with the other identified items. I will close out both notices once released from our internal system.

Thanks again.

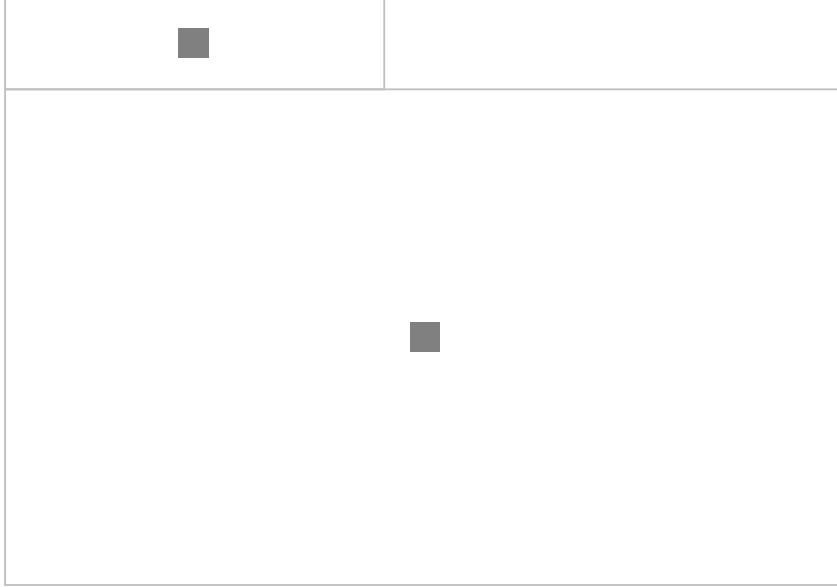
Regards,

Aaron Clayworth | Senior Inspector – Civil, Residential & Commercial Construction Team

P: 02 6207 3000 | **M:** 0403 724 055 | **E:** aaron.clayworth@worksafe.act.gov.au

Office of the Work Health and Safety Commissioner

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



Duplicate

From: Sch 2.2(a)(ii)
To: [Seagrove, Heather](#)
Cc: Sch 2.2(a)(ii)
Subject: Notifiable incident - Cotter Road
Date: Tuesday, 20 February 2024 11:48:01 AM
Attachments:

Sch 2.2(a)(ix)

You don't often get email from Sch 2.2(a)(ii), Sch 2.2(a)(xi) [Learn why this is important](#)

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Good morning Heather,

Please find attached records as requested for the incident involving Sch 2.2(a)(ii) Cotter Road. Please do not hesitate to contact me if there is anything else you need.

A screen shot of a phone   Description automatically generated



Sch 2.2(a)(xi), Sch 2.2(a)(ix)

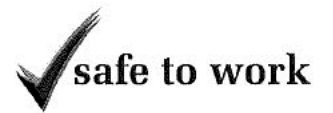
Regards,

Sch 2.2(a)(ii)

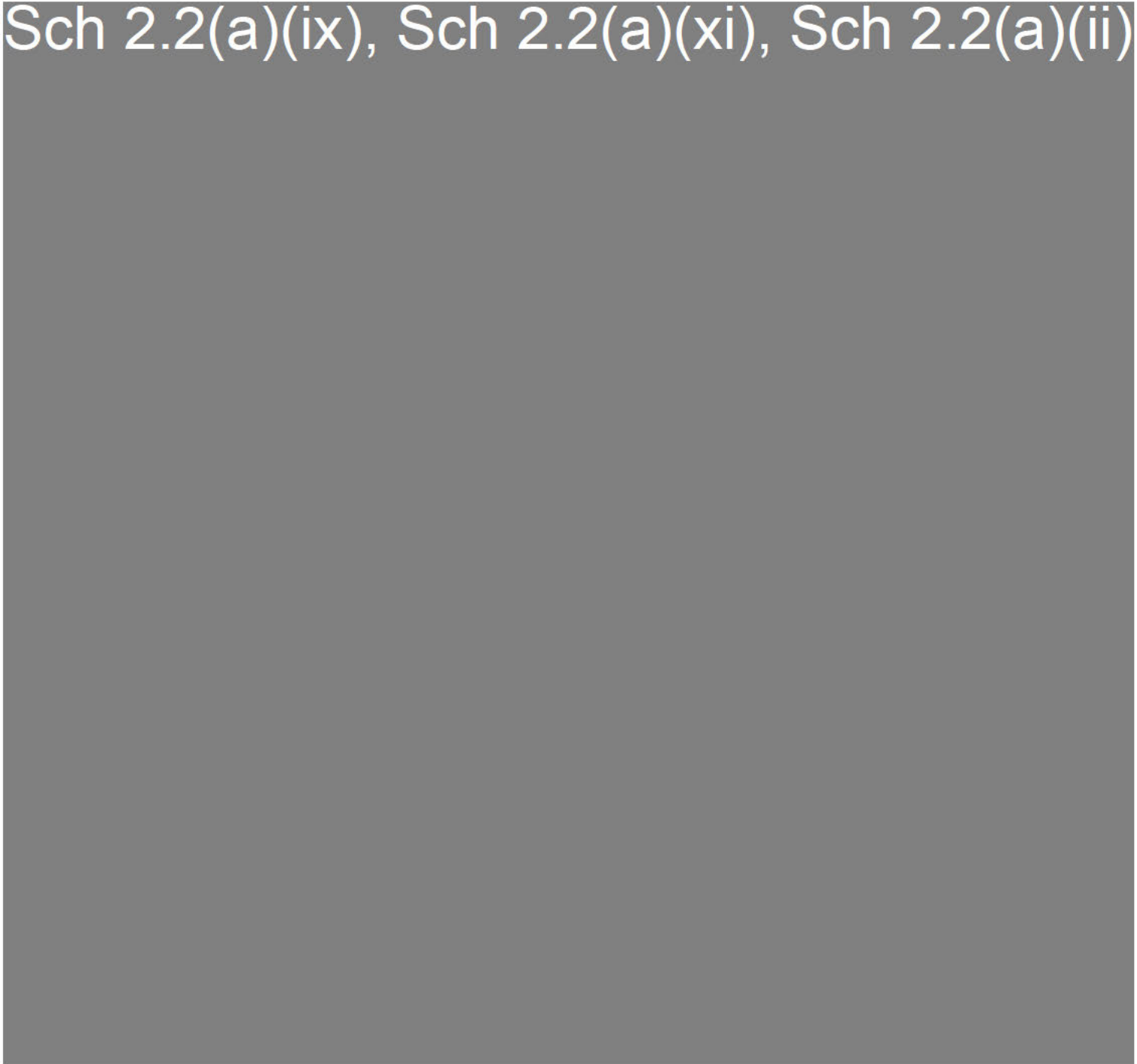
Sch 2.2(a)(ii), Sch 2.2(a)(xi)

Sch 2.2(a)(xi)

TOOL BOX TALK



Sch 2.2(a)(ix), Sch 2.2(a)(xi), Sch 2.2(a)(ii)



Sch 2.2(a)(xi)

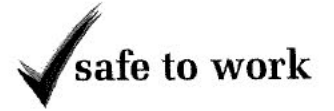
ELECTRICAL ISOLATION PERMIT

✓ safe to work

Sch 2.2(a)(ix), Sch 2.2(a)(xi), Sch 2.2(a)(ii)

Sch 2.2(a)(i), Sch 2.2(a)(ii), Sch 2.2(a)(iii), Sch 2.2(a)(iv), Sch 2.2(a)(v), Sch 2.2(a)(vi), Sch 2.2(a)(vii), Sch 2.2(a)(viii), Sch 2.2(a)(ix), Sch 2.2(a)(x), Sch 2.2(a)(xi), Sch 2.2(a)(xii), 2.2(b)


**ELECTRICAL ENERGISATION
PERMIT**



Sch 2.2(a)(ii), Sch 2.2(a)(ix), Sch 2.2(a)(xi)

Sch 2.2(a)(xi)

ELECTRICAL ENERGISATION
PERMIT

 safe to work

Sch 2.2(a)(xi), Sch 2.2(a)(ii), Sch 2.2(a)(ix)

PLACE LEAD HERE

ENSURE TEST IS CURRENT BEFORE OPERATING
IF APPLIANCE IS DEFECTIVE IN ANY WAY
PLEASE INFORM YOUR SAFETY OFFICER

INSPECTION No

1

Sch 2.2(a)(xi)

CERT. / LIC. No

202323

PLANT No / ITEM

Ex lead

TEST DATE

16.02.24

TEST DUE

16.05.24

From: Sch 2.2(a)
To: [Chhina, Jagdeep](#)
Cc: [Furminger, Trent](#)
Subject: Re: Denman Prospect- Townhouses and apartments block
Date: Wednesday, 13 March 2024 1:37:25 PM
Attachments: Sch 2.2(a)(ix)

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[Learn why this is important](#)

Hi Jag,
Please find attached the lab results, as discussed, the vinyl floor covering has asbestos paper backing and is deemed a friable material under legislation.
Regards

Sch 2.2(a)(xi), Sch 2.2(a)(ix)

From: "Chhina, Jagdeep" <Jagdeep.Chhina@worksafe.act.gov.au>

Date: Thursday, 7 March 2024 at 4:57 pm

To: Sch 2.2(a)(ii), Sch 2.2(a)(xi)

Subject: Denman Prospect- Townhouses and apartments block

Good afternoon Sch 2.2

As discussed, could you please contact Sch 2.2(a)(ii) to arrange timing for testing at Sch 2.2(a)(ii), Sch 2.2(a)(ix) Denman Prospect.

If you have any question please contact me.

Thank you

Jagdeep Singh | Inspector

P: 02 6207 4133 | E: jagdeep_chhina@worksafe.act.gov.au

Office of the Work Health and Safety Commissioner

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

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CLIENT	Sch 2.2(a)(xi)	JOB NUMBER	Sch 2.2(a)(xi)
CLIENT CONTACT	Sch 2.2(a)(ii)	DATE RECEIVED	12/03/2024
CLIENT REFERENCE	Sch 2.2(a)(ii) Denman Prospect ACT 2611	DATE ANALYSED	13/03/2024
CLIENT EMAIL	Sch 2.2(a)(ii), Sch 2.2(a)(xi)	SAMPLE DATE	12/03/2024
CLIENT TELEPHONE	Sch 2.2(a)(ii)	REPORT DATE	13/03/2024

TEST METHOD:

Asbestos fibre qualitative determination in bulk & soil samples at Hazmat Labs laboratory is conducted by polarised light microscopy in conjunction with the dispersion staining technique. The strategies and methods used are as per AS4964(2004) and in-house SOP D123. Accredited for compliance with ISO/IEC 17025 - Testing. NATA accreditation number 19564.

SAMPLE REFERENCE	LABORATORY REFERENCE	SAMPLE INFORMATION	SAMPLE DIMENSIONS (mm)/WEIGHT(g)	ANALYTICAL RESULT
A1	KER1283-A1	55-57 composite debris in mulch	27.10 g	CHR
A2	KER1283-A2	55-57 composite mulch left hand side	345.30 g	NAD, SMF, ORG
A3	KER1283-A3	59-61 composite debris in mulch	38.30 g	CHR
A4	KER1283-A4	59-61 including walkway composite mulch	370.30 g	NAD, SMF, ORG
A5	KER1283-A5	65-63 composite debris in mulch	16.00 g	CHR
A6	KER1283-A6	65-63 vinyl floor covering	0.20 g	CHR, ORG
A7	KER1283-A7	63-65 including walkway composite mulch	303.60 g	NAD, SMF, ORG
A8	KER1283-A8	7/67 - 8/69 rear garden bed composite debris in mulch	11.90 g	NAD, ORG
A9	KER1283-A9	67-69 composite mulch right hand side	302.10 g	NAD, SMF, ORG
A10	KER1283-A10	Corner of Martel and Trinca garden bed composite debris in mulch	8.40 g	CHR, ORG
A11	KER1283-A11	Garden bed corner of Martel and Trinca composite mulch	324.00 g	NAD, SMF, ORG
A12	KER1283-A12	Raised garden beds to rear visitor parking composite mulch	307.20 g	NAD, ORG
A13	KER1283-A13	Rear garden bed to communal area composite debris in mulch	8.60 g	CHR, ORG

Glossary and notes:

- AS4964 recommends minimum sample sizes for all materials. In particular; soil sample volume is 50-100ml (approximately 50 to 250g). floor tiles require a recommended minimum of approximately 100cm², general samples should include a full cross section or be thick enough to represent the larger sampled material. It is the sampling party's responsibility to meet these sampling recommendations and others listed in AS4964, as such sample results apply only to the samples as received.

- Samples analysed and reported according to National Environment Protection (Assessment of Site Contamination) Measure (NEPM) or WA Department of health (DoH) methodology are not cover by NATA accreditation.

- Hazmat Labs require receipt of all samples under a chain of custody, however Hazmat Labs accept no responsibility for the sampling method/location/transportation or packaging of samples from external sources. Please note these results apply only to the samples as received.

- Where vinyl floor product results are reported as no asbestos detected (NAD) by Polarized Light Microscopy in conjunction with Dispersion staining techniques. The client is advised to obtain a further result from an independent confirmatory analytical technique due to the nature of sample matrix, e.g. scanning or transmission electron microscopy (SEM/TEM).

SAMPLE REFERENCE	LABORATORY REFERENCE	SAMPLE INFORMATION	SAMPLE DIMENSIONS (mm)/WEIGHT(g)	ANALYTICAL RESULT
A14	KER1283-A14	Mulch to rear garden beds communal area composite mulch	338.10 g	NAD, ORG
A15	KER1283-A15	Left hand side garden bed composite debris in mulch - 40 Trinca	9.90 g	CHR, ORG
A16	KER1283-A16	Left hand side garden bed composite mulch - 40 Trinca	307.40 g	NAD, ORG

NAD No Asbestos Detected
 NADRL No asbestos found, at the reporting limit (0.1g/kg / 0.01%)
 CHR Chrysotile asbestos detected
 AMO Amosite asbestos detected
 CRO Crocidolite asbestos detected
 ORG Organic fibers detected
 SMF Synthetic Mineral Fibers detected
 UMF Unidentified Mineral Fibers detected
 * Sample or the sampling matrix does not meet NATA requirements therefore result is not accredited



APPROVED ANALYST

Name: Sch 2.2(a)(i)

Signature: Sch 2.2(a)(ii)

APPROVED SIGNATORY

Name: Sch 2.2(a)(i)

Signature:

Glossary and notes:

- AS4964 recommends minimum sample sizes for all materials. In particular, soil sample volume is 50-100ml (approximately 50 to 250g), floor tiles require a recommended minimum of approximately 100cm², general samples should include a full cross section or be thick enough to represent the larger sampled material. It is the sampling party's responsibility to meet these sampling recommendations and others listed in AS4964, as such sample results apply only to the samples as received.
- Samples analysed and reported according to National Environment Protection (Assessment of Site Contamination) Measure (NEPM) or WA Department of health (DoH) methodology are not cover by NATA accreditation.
- Hazmat Labs require receipt of all samples under a chain of custody, however Hazmat Labs accept no responsibility for the sampling method/location/transportation or packaging of samples from external sources. Please note these results apply only to the samples as received.
- Where vinyl floor product results are reported as no asbestos detected (NAD) by Polarized Light Microscopy in conjunction with Dispersion staining techniques. The client is advised to obtain a further result from an independent confirmatory analytical technique due to the nature of sample matrix, e.g. scanning or transmission electron microscopy (SEM/TEM).

From: Sch 2.2(a)(ii)
To: WorkSafe_Asbestos
Subject: RE: Sch 2.2(a)(ii) Denman Prospect ACT 2611
Date: Tuesday, 5 March 2024 2:33:29 PM
Attachments: [image001.jpg](#)
[image003.png](#)
[image010.png](#)
[image005.jpg](#)
[image006.jpg](#)
[image008.jpg](#)
[image009.png](#)
[image011.jpg](#)
Importance: High

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Hi team,
Can you please provide an update here?
Best Regards,

Sch 2.2(a)(ii)

Head of Growth & New Client Relations

P: 1800 383 333

E: Sch 2.2(a)(ii)@ljhookerstrata.com.au

A: 1st Floor, 182 - 200 City Walk, Canberra City, ACT 2601

W: ljhookerstrata.com.au

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From: Sch 2.2(a)(ii)
Sent: Thursday, February 29, 2024 4:11 PM
To: WorkSafe_Asbestos <WorkSafe_Asbestos@worksafe.act.gov.au>
Subject: RE: Sch 2.2(a)(ii) Denman Prospect ACT 2611

Hi team,
Can you please provide an update here?
Best Regards,

Sch 2.2(a)(ii)

Head of Growth & New Client Relations

P: 1800 383 333

E: Sch 2.2(a)(ii)@ljhookerstrata.com.au

A: 1st Floor, 182 - 200 City Walk, Canberra City, ACT 2601

W: ljhookerstrata.com.au

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From: Sch 2.2(a)(ii)

Sent: Monday, February 26, 2024 4:03 PM

To: WorkSafe_Asbestos <WorkSafe_Asbestos@worksafe.act.gov.au>

Subject: RE: Sch 2.2(a)(ii) Denman Prospect ACT 2611

Importance: High

Hi Team,

Details from the developer below:

Sch 2.2(a)(ix), Sch 2.2(a)(xi)

Please let me know what information you require and I will supply immediately.

Best Regards,

Sch 2.2(a)(ii)

Head of Growth & New Client Relations

P: 1800 383 333

E: Sch 2.2(a)(ii) e@ljhookerstrata.com.au

A: 1st Floor, 182 - 200 City Walk, Canberra City, ACT 2601

W: ljhookerstrata.com.au

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From: WorkSafe_Asbestos <WorkSafe_Asbestos@worksafe.act.gov.au>

Sent: Wednesday, February 21, 2024 4:23 PM

To: Sch 2.2(a)(ii) [@ljhookerstrata.com.au](mailto:ljhookerstrata.com.au)

Cc: WorkSafe_Asbestos <WorkSafe_Asbestos@worksafe.act.gov.au>

Subject: RE: Sch 2.2(a)(ii) Denman Prospect ACT 2611

OFFICIAL

Good afternoon Sch 2.2(a)(ii)

Thank you for contacting WorkSafe ACT about the 'Cottage Mulch' matter.

Can you please provide a direct number/mobile for an Inspector to call you. Below is further information for your reference.

WorkSafe ACT are currently investigating Cottage Mulch product purchased from Sch 2.2(a)(ix), Sch 2.2(a)(xi) between March 2023 to 19 February 2024.

If you have purchased Cottage Mulch from Sch 2.2(a)(ix), Sch 2.2(a)(xi) between March 2023 to 19 February 2024, please provide the following information:

- Your name

- Mobile number
- Address
- Location of mulch

A WorkSafe Inspector will call you back in relation to this matter.

If your mulch is not the product of concern and purchased outside of date range. WorkSafe ACT are not investigating other products at this point in time. Please provide the following information for our records:

- The mulch product name
- The company who supplied the mulch
- Address
- Your name
- Mobile
- Location of mulch
- Date of purchase

At this stage, WorkSafe ACT is only aware of one product which has been identified as an asbestos contaminated mulch. This product has been sold as "cottage mulch". This product was sold between March 2023 – February 2024. So far, the only known suppliers of the contaminated product are the ones listed below:

Sch 2.2(a)(ix), Sch 2.2(a)(xi)



If you have purchased another mulch product from any of the suppliers listed above, there is currently no information to suggest this material is contaminated. If you have purchased the "cottage mulch" product from these suppliers outside of the listed date range, this material is not believed to be contaminated. If you have purchased a similar product to the "cottage mulch" from another supplier not listed above, there is currently no information to suggest this material is contaminated. If you are concerned that your product may be contaminated, please engage a Licenced Asbestos Assessor to determine if contamination is present within your mulch. A list of Licenced Asbestos Assessors can be found on the [WorkSafe ACT Public Register](#). If you decide to test your product and receive a positive result for asbestos, please let us know by emailing us at Worksafe_asbestos@worksafe.act.gov.au and include the product you purchased, address, copy of the sample certificate and estimated amount of the product. If you have any further questions, please contact us at

[Worksafe asbestos@worksafe.act.gov.au](mailto:Worksafe_asbestos@worksafe.act.gov.au).

Kind regards,

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

From: Sch 2.2(a)(ii) <[redacted]@ljhookerstrata.com.au>

Sent: Wednesday, February 21, 2024 1:24 PM

To: WorkSafe_Asbestos <WorkSafe_Asbestos@worksafe.act.gov.au>

Sch 2.2(a)(ii)

Cc: Sch 2.2(a)(ii) <[redacted]@ljhookerstrata.com.au>

Subject: Sch 2.2(a)(ii) Denman Prospect ACT 2611

Importance: High

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[Learn why this is important](#)

Good Afternoon Team,

I have today been advised the mulch used at the above-mentioned site is contaminated with Asbestos.

Prior to releasing a communication package to owners, I would be grateful if you could address the below questions, I anticipate will come to light from this matter.

- Who will be responsible for remediation of the mulch?
- What is the timeframe of this project?
- How will this affect residents living in the development?
- Will there be a need for temporary accommodation throughout the process?
- Are there any supporting docs I can send out with the communication?

I have found this information, but this is all I have for now.

<https://www.worksafe.act.gov.au/about-worksafe-act/news-and-media/bonded-asbestos-contamination-confirmed-in-act-mulch#:~:text=Bonded%20asbestos%20has%20been%20confirmed,affected%20products%20are%20being%20contacted.>

Can you please advise the next steps as soon as possible as this is quite urgent that we notify all residents.

FYI [redacted] this is what I was phoning you about. Happy for you to give me a call back when convenient.

Best Regards,

Sch 2.2(a)(ii)

Head of Growth & New Client Relations

P: 1800 383 333

E: [redacted] <[redacted]@ljhookerstrata.com.au>

A: 1st Floor, 182 - 200 City Walk, Canberra City, ACT 2601

W: ljhookerstrata.com.au

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nor disclose its contents to any other person.

Sch 2.2(a)(xi)

From: [WorkSafe Asbestos](#)
To: [Chhina, Jagdeep](#)
Cc: [Hadson, Gary](#); [Furminger, Trent](#); [Swanepoel, Jaeger](#)
Subject: FW: Sch 2.2(a)(ii) Denman Prospect ACT 2611
Date: Thursday, 29 February 2024 4:22:00 PM
Attachments: [image001.jpg](#)
[image003.png](#)
[image006.png](#)
[image005.jpg](#)
[image008.jpg](#)
[image009.png](#)
[image011.jpg](#)

OFFICIAL

Good afternoon,
Incoming email below from Sch 2.2(a)(ii).

Regards,
Lisa

Duplicate

From: [Hudson, Garrison](#) on behalf of [WorkSafe Asbestos](#)
To: [Hudson, Garrison](#)
Subject: FW: Unit Plan 15830 - Block 1 Section 67 Denman Prospect ACT 2611
Date: Thursday, 7 March 2024 1:04:00 PM
Attachments: [image003.jpg](#)
[image006.png](#)
[image007.png](#)
[Elevated Highground Mulch supply.pdf](#)
[image005.jpg](#)
[image008.jpg](#)
[image009.png](#)
[image011.jpg](#)
Importance: High

OFFICIAL

From: [Sch 2.2\(a\)\(ii\)](#) <[Sch 2.2\(a\)\(ii\)@ljhookerstrata.com.au](mailto:Sch 2.2(a)(ii)@ljhookerstrata.com.au)>
Sent: Thursday, March 7, 2024 12:55 PM
To: WorkSafe Asbestos <WorkSafe_Asbestos@worksafe.act.gov.au>
Subject: FW: [Sch 2.2\(a\)\(ii\)](#) Denman Prospect ACT 2611
Importance: High

You don't often get email from [Sch 2.2\(a\)\(ii\)](#) <[Sch 2.2\(a\)\(ii\)@ljhookerstrata.com.au](mailto:Sch 2.2(a)(ii)@ljhookerstrata.com.au)>. [Learn why this is important](#)

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[Learn why this is important](#)

Hello Gary,
Many thanks for your time over the phone.
Please see attached.
Business details responsible for the site

NAME OF AGENT: LJH Strata (ACT) Pty Limited trading as LJ Hooker Strata ACT - "Agent"

Address Level 1, 182 – 200 City Walk, Canberra City, ACT, 2601

ABN: [46 612 177 349](http://46.612.177.349)

Best Regards,

[Sch 2.2\(a\)\(ii\)](#)

Head of Growth & New Client Relations

P: 1800 383 333

E: [Sch 2.2\(a\)\(ii\)_e@ljhookerstrata.com.au](mailto:Sch 2.2(a)(ii)_e@ljhookerstrata.com.au)

A: 1st Floor, 182 - 200 City Walk, Canberra City, ACT 2601

W: ljhookerstrata.com.au

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Duplicate

From: [WorkSafe Asbestos](#)
To: [Hudson, Garrison](#)
Cc: [WorkSafe Asbestos](#)
Subject: FW: [Sch 2.2\(a\)\(ii\)](#) Denman Prospect ACT 2611
Date: Thursday, 7 March 2024 9:28:22 AM
Attachments: [image001.jpg](#)
[image003.png](#)
[image010.png](#)
[image005.jpg](#)
[image006.jpg](#)
[image008.jpg](#)
[image009.png](#)
[image011.jpg](#)
Importance: High

OFFICIAL

FYI

Duplicate

Duplicate

From: Sch 2.2(a)(ii)
To: [WorkSafe Asbestos](#)
Cc: Sch 2.2(a)(ii)
Subject: RE: Prohibition Notice N-0000009609
Date: Friday, 15 March 2024 12:37:32 PM
Attachments: [image001.jpg](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.jpg](#)
[image008.jpg](#)

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Hello Jagdeep,

LJ Hooker Strata ACT is the managing agent so we will remain as the contact to act on behalf of the owners corporation.

LJ Hooker Strata ACT olds no responsibility for the remediation and this will be the responsibility of the owners corporation, however, we will coordinate and facilitate the process as part of our management functions.

Best Regards,

Sch 2.2(a)(ii)

Head of Growth & New Client Relations

P: 1800 383 333

E: Sch 2.2(a)(ii)@ljhookerstrata.com.au

A: 1st Floor, 182 - 200 City Walk, Canberra City, ACT 2601

W: ljhookerstrata.com.au

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From: Chhina, Jagdeep <Jagdeep.Chhina@worksafe.act.gov.au> **On Behalf Of** WorkSafe_Asbestos

Sent: Friday, March 15, 2024 12:30 PM

To: Sch 2.2(a)(ii)@ljhookerstrata.com.au>

Cc: Sch 2.2(a)(ii)@ljhookerstrata.com.au>; Hudson, Garrison
<Garrison.Hudson@worksafe.act.gov.au>

Subject: RE: Prohibition Notice N-0000009609

Good afternoon Sch 2.2(a)(ii)

Could you please provide the details of director /responsible person for business entity -Unit Plan Sch 2.2(a)(ii) or are you still going to be the responsible person the site.

Thank you

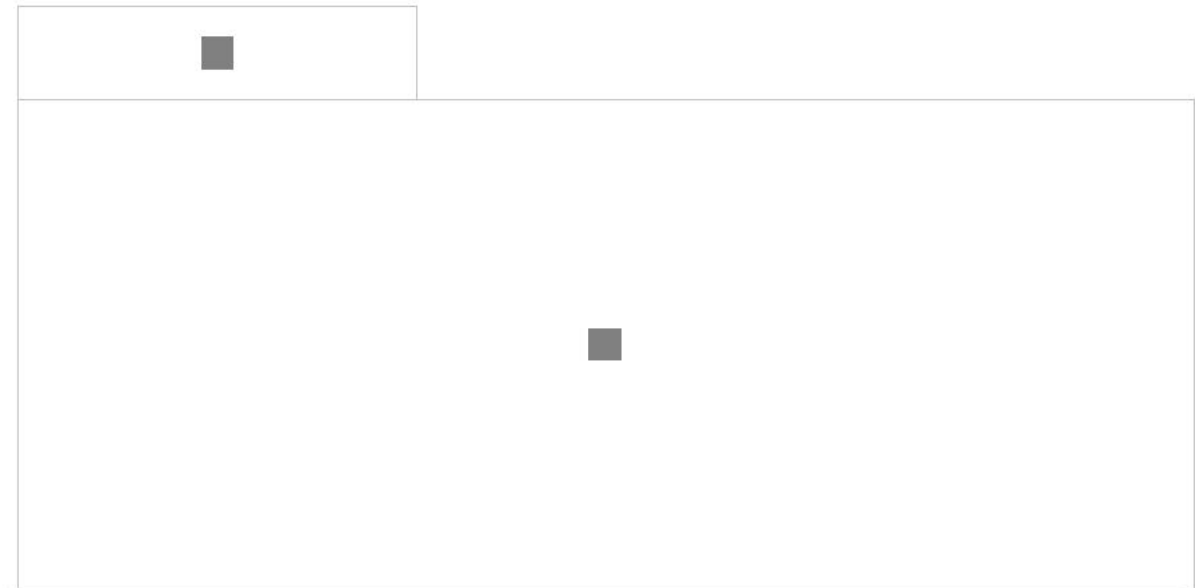
Kind Regards

Jagdeep Singh | Inspector

P: 02 6207 4133 | **E:** jagdeep.chhina@worksafe.act.gov.au

Office of the Work Health and Safety Commissioner

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



From: Sch 2.2(a)(ii) [redacted] <[redacted]@ljhookerstrata.com.au>
Sent: Friday, March 15, 2024 11:47 AM
To: WorkSafe <WorkSafe@worksafe.act.gov.au>
Cc: Chhina, Jagdeep <Jagdeep.Chhina@worksafe.act.gov.au>; Sch 2.2(a)(ii) [redacted] <[redacted]@ljhookerstrata.com.au>
Subject: RE: Prohibition Notice N-0000009609
Importance: High

Some people who received this message don't often get email from Sch 2.2(a)(ii) [redacted] <[redacted]@ljhookerstrata.com.au>. [Learn why this is important](#)

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Hi Team,
Details to change on prohibition letter.

Sch 2.2(a)(ii) [redacted]
[redacted] Denman Prospect ACT 2611

ABN: Sch 2.2(a)(xi) [redacted]
Business Name: Owners Corporation of Units Plan [redacted]
C/- LJ Hooker Strata ACT
Best Regards,

Sch 2.2(a)(ii) [redacted]
Head of Growth & New Client Relations
P: 1800 383 333
E: Sch 2.2(a)(ii) [redacted] <[redacted]@ljhookerstrata.com.au>
A: 1st Floor, 182 - 200 City Walk, Canberra City, ACT 2601
W: ljhookerstrata.com.au

[redacted]
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From: WorkSafe ACT <worksafe@act.gov.au>

Sent: Thursday, March 14, 2024 8:05 AM
To: Sch 2.2(a)(ii) @ljhookerstrata.com.au>
Cc: jagdeep.chhina@act.gov.au
Subject: Prohibition Notice N-0000009609

Hi,
Please see attached PDFs to view a copy of your Notice.

Inspection number: 00195867
Lead Inspector: Jagdeep Chhina
Company Name: LJH Strata (ACT) Pty Ltd
Notice Number: N-0000009609

For any further information please contact WorkSafe on:
Telephone: (02) 6207 3000
Facsimile: (02) 6205 0336
Email: worksafe@act.gov.au

This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.

From: Sch 2.2(a)(ii)
To: [Chhina, Jagdeep](#)
Cc: [WorkSafe_Asbestos](#)
Subject: RE: Prohibition Notice N-0000009609
Date: Tuesday, 16 April 2024 9:46:17 AM
Attachments: [image001.jpg](#)
[image007.png](#)
[image008.png](#)
[image009.png](#)
[image002.jpg](#)
[image003.jpg](#)

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Hello JD,

No changes to contact details – just the responsible parties details.

Let me know when this is all updated and flick it through to me again.

Best Regards,

Sch 2.2(a)(ii)

Head of Growth & New Client Relations

P: 1800 383 333

E: [Sch 2.2\(a\)\(ii\)@ljhookerstrata.com.au](#)

A: 1st Floor, 182 - 200 City Walk, Canberra City, ACT 2601

W: [ljhookerstrata.com.au](#)

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From: Chhina, Jagdeep <Jagdeep.Chhina@worksafe.act.gov.au>
Sent: Monday, April 15, 2024 1:02 PM
To: [Sch 2.2\(a\)\(ii\)@ljhookerstrata.com.au](#)
Cc: [WorkSafe_Asbestos@worksafe.act.gov.au](#)
Subject: RE: Prohibition Notice N-0000009609

Good afternoon [Sch 2.2\(a\)\(ii\)](#)

If there are any changes in contact details please provide for update on prohibition notice.

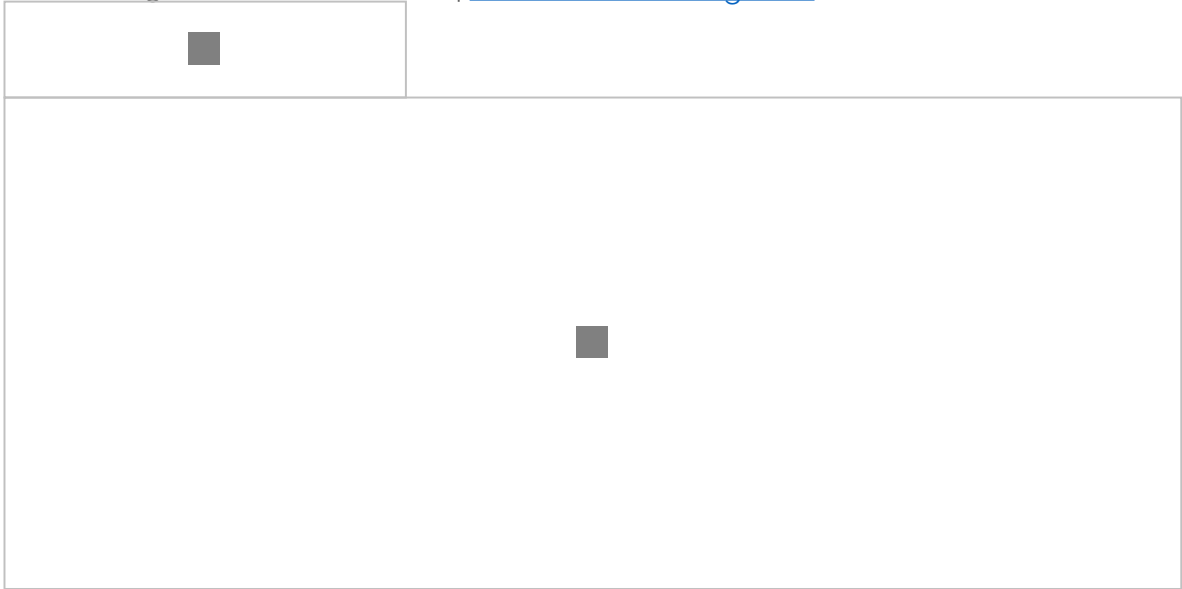
For any clarification please contact me

Jagdeep Singh | Inspector

P: 02 6207 4133 | **M:** 0481 461 001 **E:** jagdeep.chhina@worksafe.act.gov.au

Office of the Work Health and Safety Commissioner

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



Thank you

Regards


Jagdeep

Duplicate

From: [Furminger, Trent](#)
To: [Hudson, Garrison](#); [Chhina, Jagdeep](#)
Subject: FW: Prohibition Notice N-0000009609
Date: Saturday, 13 April 2024 11:18:08 AM
Attachments: [image001.jpg](#)
[image003.png](#)
[image009.png](#)
[image010.png](#)
[image007.jpg](#)
[image002.png](#)
[image008.jpg](#)
[image011.jpg](#)
[image012.jpg](#)
Importance: High

OFFICIAL

Hi Gazman

Can you please get in contact with 

I think either you or Jag discussed something about a Notice with her and she is still waiting on it.

Cheers

Trent

From: WorkSafe_Asbestos <WorkSafe_Asbestos@worksafe.act.gov.au>
Sent: Friday, April 12, 2024 10:02 AM
To: Furminger, Trent <Trent.Furminger@worksafe.act.gov.au>
Cc: Hudson, Garrison <Garrison.Hudson@worksafe.act.gov.au>; Chhina, Jagdeep <Jagdeep.Chhina@worksafe.act.gov.au>; Clayworth, Aaron <Aaron.Clayworth@worksafe.act.gov.au>; WorkSafe_Asbestos <WorkSafe_Asbestos@worksafe.act.gov.au>
Subject: FW: Prohibition Notice N-0000009609
Importance: High

OFFICIAL

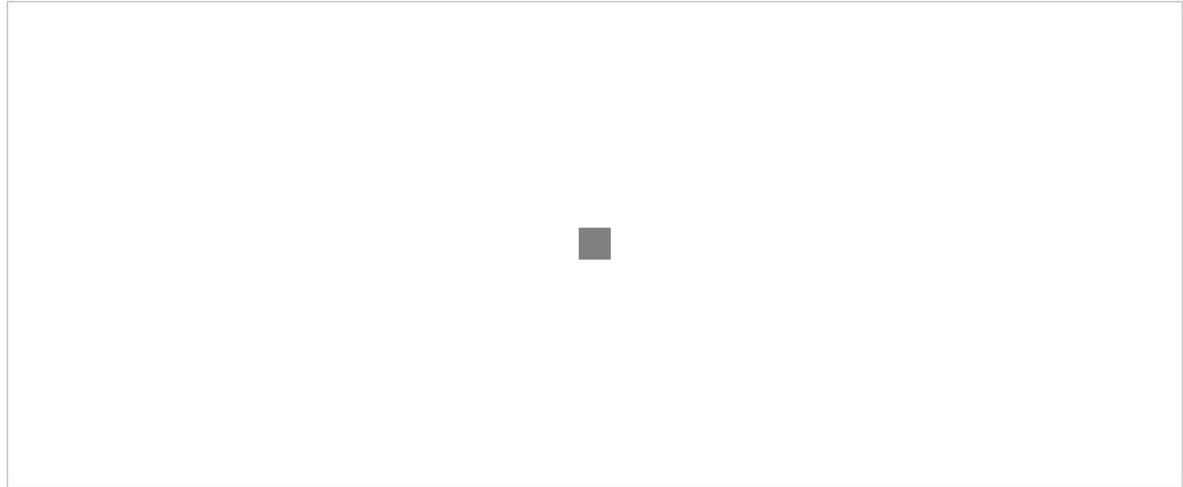
Good morning team,

Incoming Mulch email for your attention.

Regards,

Lisa

Lisa Bopping
Regulatory Support Officer
P: 02 6207 6353 | E: Lisa.Bopping@worksafe.act.gov.au
Office of the Work Health and Safety Commissioner
GPO Box 158 Canberra ACT 2601



From: Sch 2.2(a)(ii) [redacted]@ljhookerstrata.com.au>
Sent: Wednesday, April 3, 2024 12:04 PM
To: WorkSafe_Asbestos <WorkSafe_Asbestos@worksafe.act.gov.au>
Cc: Sch 2.2(a)(ii) [redacted]@ljhookerstrata.com.au>; Hudson, Garrison
<Garrison.Hudson@worksafe.act.gov.au>
Subject: RE: Prohibition Notice N-0000009609
Importance: High

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Hi,

Can I please have an update on the amended prohibition notice?

Best Regards,

Sch 2.2(a)(ii)

Head of Growth & New Client Relations

P: 1800 383 333

E: [redacted]@ljhookerstrata.com.au

A: 1st Floor, 182 - 200 City Walk, Canberra City, ACT 2601

W: ljhookerstrata.com.au



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PROHIBITION NOTICE

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

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

Notice issued to:

Legal name of person/business or undertaking: LJH Strata (ACT) Pty Ltd
 ABN: 46612177349
 ACN:
 Trading As: LJ Hooker Strata ACT
 Address: Level 1/182-200 City Walk, Canberra, ACT, 2601

Details of serious risk:

Site location: Sch 2.2(a)(ii) Denman Prospect ACT 2611

You are prohibited from carrying out any activity in a suspected asbestos contaminated mulch area. Conducting activities without implementing the appropriate controls exposes workers to a serious risk of exposure to airborne asbestos fibres.

Basis for inspector's belief:

Under the Work Health and Safety Act 2011, section 19 (3) (a) Persons may be exposed to serious risk to their health and safety due to the presence of potentially asbestos contaminated mulch on site. The PCBU was informed by supplier of the mulch that it may be asbestos contaminated. The PCBU confirmed to WorkSafe ACT inspector that they may have potentially contaminated material on site as it was bought during the timeframe when contaminated mulch was sold by the affected supplier. I, Jagdeep Chhina, reasonably believe that on 08/03/2024 at 2:30pm that there may be a serious risk of exposure to airborne asbestos fibres.

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

You must ensure, so far as reasonably practicable that you isolate the contaminated material until you:

- Engage a licenced asbestos removalist to remove and dispose of the asbestos contaminated material; and
- Engage a licenced asbestos assessor to provide a clearance certificate once the works are completed.

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice.

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

In complying with this notice please consider the following:

- Work Health and Safety (How to Safely Remove Asbestos Code of Practice) Approval 2022.
- Work Health and Safety (How to Manage and Control Asbestos in the Workplace Code of Practice) Approval 2022.

Please contact the inspector who issued this notice to confirm that the uncontrolled risk has been remedied.

Issuing Details

Issued by: Jagdeep Chhina

ID number: P53944

Date issued: 14/03/2024

Service method: Email

Notice emailed to: Sch 2.2(a)(ii) @ljhookerstrata.com.au

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

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

Display of Notices

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

Compliance with direction or notice

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

Regulator may carry out action

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

Contents of Notice

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

Directions and recommendations

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

Changes to notice by inspector

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

Privacy statement

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

Review of this *Work Health and Safety Act* notice

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

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

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

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

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

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

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

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



PROHIBITION NOTICE

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

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

Notice issued to:

Legal name of person/business or undertaking: Sch 2.2(a)(ii)

ABN: Sch 2.2(a)(xi)

ACN:

Trading As: Sch 2.2(a)(ii)

Address: Level 1/182-200 City Walk, Canberra, ACT, 2601

Details of serious risk:

Site location: Sch 2.2(a)(ii), Denman Prospect ACT 2611

You are prohibited from carrying out any activity in a suspected asbestos contaminated mulch area. Conducting activities without implementing the appropriate controls exposes workers to a serious risk of exposure to airborne asbestos fibres.

Basis for inspector's belief:

Under the Work Health and Safety Act 2011, section 19 (3) (a) Persons may be exposed to serious risk to their health and safety due to the presence of potentially asbestos contaminated mulch on site. The PCBU was informed by supplier of the mulch that it may be asbestos contaminated. The PCBU confirmed to WorkSafe ACT inspector that they may have potentially contaminated material on site as it was bought during the timeframe when contaminated mulch was sold by the affected supplier. I, Jagdeep Chhina, reasonably believe that on 08/03/2024 at 2:30pm that there may be a serious risk of exposure to airborne asbestos fibres.

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

You must ensure, so far as reasonably practicable that you isolate the contaminated material until you:

- Engage a licenced asbestos removalist to remove and dispose of the asbestos contaminated material; and
- Engage a licenced asbestos assessor to provide a clearance certificate once the works are completed.

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

In complying with this notice please consider the following:

- Work Health and Safety (How to Safely Remove Asbestos Code of Practice) Approval 2022.
- Work Health and Safety (How to Manage and Control Asbestos in the Workplace Code of Practice) Approval 2022.

Please contact the inspector who issued this notice to confirm that the uncontrolled risk has been remedied.

Issuing Details

Issued by: Jagdeep Chhina

ID number: P53944

Date issued: 18/04/2024

Service method: Email

Notice emailed [Sch 2.2\(a\)\(i\)](#) ljhookerstrata.com.au

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

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

Display of Notices

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Compliance with direction or notice

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Regulator may carry out action

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

Contents of Notice

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

Directions and recommendations

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

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Review of this *Work Health and Safety Act* notice

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

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

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

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

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

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

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

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450