



UNCLASSIFIED

Submission No A
Schedule No
Date Rec'd Minister's Office .../.../...

To: Attorney-General

From: Executive Director, Office of Regulatory Services

Subject: Incident – Man Crushed by Horse Drawn Carriage

Critical Date: Nil

- DG .../.../...
- DDG .../.../...

Recommendations

1. That you note the information in this brief.

Background

2. WorkSafe ACT, in conjunction with ACT Policing, is investigating an incident which occurred about 9.40am on Sunday 30 September 2012 in which a 65 year old male was fatally injured.
3. The Canberra Region Transport Show, which began in 2008 in conjunction with the Canberra City Lions Club Inc, raises money for local charities and was held at the Transport Industries Skills Centre on Sutton Road near Queanbeyan.
4. Reports indicate that a team of two horses were being harnessed to a replica of a Cobb and Co carriage at the rear of the show, when one horse became spooked and bolted. The owner/operator of the horses and carriage, * tried to hold the horse and was dragged along the ground.
5. A member of the public, * from Queanbeyan, came to his assistance and grabbed the reins of the horse, but in the process, * was dragged under the carriage. * was transported to the Canberra Hospital but later died.
6. * was a spectator at the Show and was not employed by nor connected with the horse and carriage company in any way.

Issues

7. About 10.30am on the day, ACT Policing contacted WorkSafe ACT and requested its attendance.
8. When the WorkSafe ACT inspector arrived at the site, * had already been taken to the Canberra hospital and * had ceased his operations.
9. ACT Policing is handling the incident as a traffic matter and is liaising with WorkSafe ACT.
10. WorkSafe ACT is making enquiries to determine duty holders and application of the *Work Health and Safety Act 2011* to this event.

Financial Implications

11. Nil.

Internal Consultation

12. Nil.

UNCLASSIFIED

External Consultation

13. ACT Policing.

Benefits/Sensitivities

14. At this time, details have not been publicly released.

Media Implications

15. Due to the nature of the incident the matter has already received national media attention.

Brett Phillips

6205 5074

October 2012

Executive Director, Office of Regulatory Services**Action Officer:** Sean Sloan**Phone:** 62058291

AGREED/NOT AGREED/NOTED/DISCUSS

Simon Corbell MLA

Performance Assessment☐ Satisfactory☐ Unsatisfactory



ACT
Government

Justice and Community Safety

GPO Box 158 Canberra ACT 2601 | phone: 132281
www.act.gov.au

MINUTE

216B

UNCLASSIFIED

Submission No A	2012/2758
Schedule No	
Date Rec'd Minister's Office	.../.../...

To: Attorney-General

From: Executive Director, Office of Regulatory Services

Subject: Incident – Man Crushed by Horse Drawn Carriage

Critical Date: Nil

- DG
- DDG of 5.../10/12

Recommendations

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5. A member of the public, * Exempt s41 from Queanbeyan, came to his assistance and grabbed the reins of the horse, but in the process, * was dragged under the carriage. Exempt s41 was transported to the Canberra Hospital but later died.
6. Exempt s41 was a spectator at the Show and was not employed by nor connected with the horse and carriage company in any way.

Issues

7. About 10.30am on the day, ACT Policing contacted WorkSafe ACT and requested its attendance.
8. When the WorkSafe ACT inspector arrived at the site, * Exempt s41 had already been taken to the Canberra hospital and, * had ceased his operations.
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Financial Implications

11. Nil.

Internal Consultation

12. Nil.

UNCLASSIFIED

Error! Reference source not found.

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Brett Phillips

6205.5074

October 2012

Executive Director, Office of Regulatory Services**Action Officer: Sean Sloan****Phone: 62058291****AGREED/NOT AGREED/NOTED/DISCUSS**

Simon Corbell MLA/...../.....

Performance Assessment

- ☐ Satisfactory
☐ Unsatisfactory
-

Collins, Jacob

From: Collins, Jacob
Sent: Tuesday, 9 October 2012 9:24 AM
To: Rees, John
Cc: Nadesan, Thilaga
Subject: FW: Correspondence to Minister Shorten from ACCI Chief Executive Peter Anderson
Attachments: 120926 ACCI letter to Minister Shorten.pdf

Categories: FOI - IR

Hi JR,

Pls find attached FYI

Regards,
 Jake

From: BOURKE
Sent: Tuesday, 9 October 2012 8:56 AM
To: Bourke, Chris; Purtill, Garrett; Collins, Jacob
Subject: FW: Correspondence to Minister Shorten from ACCI Chief Executive Peter Anderson

Jane Bryan | Office Manager
 Phone: +61 2 6205 2244 | Email: jane.bryan@act.gov.au
 Office of Dr Chris Bourke MLA | ACT Government
 Level 2 ACT Legislative Assembly | GPO Box 1020 Canberra ACT 2601 | www.act.gov.au

From: Exempt s41
Sent: Monday, 8 October 2012 11:11 AM
To: BOURKE
Subject: Correspondence to Minister Shorten from ACCI Chief Executive Peter Anderson

The Hon Dr Chris Bourke MLA
 Minister for Education & Training
 GPO Box 1020
 CANBERRA ACT 2601

Dear Minister,

Please find attached correspondence from ACCI Chief Executive Peter Anderson to the Minister for Employment and Workplace Relations, Hon. Bill Shorten MP, in relation to proposals by the Australian Government to amend the existing transfer of business provisions of the *Fair Work Act 2009* to protect entitlements of state and territory public sector employees.

Kind regards,

Exempt s41

PO BOX 18008, COLLINS STREET EAST
MELBOURNE VIC 8003

LEVEL 3, 486 ALBERT STREET
EAST MELBOURNE VIC 3002
P: +61 3 9668 9950
F: +61 3 9668 9958
E: **Exempt s41**
W: www.acci.asn.au



@ACCIBizVoice

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AUSTRALIAN CHAMBER OF
COMMERCE AND INDUSTRY

26 September 2012

The Hon Bill Shorten MP
Minister for Employment and Workplace Relations
Minister for Financial Services and Superannuation
Parliament House
CANBERRA ACT 2600

Dear Minister ^{Bill}

I refer to your letter of 21st September which invited urgent feedback from ACCI on an Australian government proposal to amend the *Fair Work Act 2009* in respect of state and territory public sector employees.

The Australian Chamber of Commerce and Industry does not support this proposal.

Our reasons are as follows:

1. The proposal is an unreasonable interference in the rights of a state or territory government as the employer of public sector employees;
2. The proposal is contrary to the public interest in that it unduly compromises the capacity of a state or territory governments to restructure its public sector in an endeavour to improve service efficiency, secure better value for taxpayer dollars and / or undertake necessary fiscal rectitude;
3. The proposal interferes unduly with the rights of private businesses which may become service providers to state or territory public sectors and in the course of doing so engage employees or contractors formerly employed by the public sector. The legislative amendment proposed would not only alter the cost structure on which such services have been or may be contracted, but also unilaterally impose new obligations by fiat of the parliament. That would be an unprecedented and extreme mechanism to alter employment rights and obligations of private employers or contracting businesses.

The proposal also raises a fundamental matter of principle. For decades governments of both major political persuasions at both state and federal level, as well as industrial tribunals at both state and federal level, have recognised and respected a distinction between terms and conditions of employment offered by the public sector, compared to the private sector. The proposal compromises that principle in a direct way and with the blunt instrument of legislation. There are good reasons why public sector wages and conditions differ from private sector conditions, especially when small and medium businesses are involved – including those who contract to governments. The public sector is not subject to the same competitive exposure as the private sector, and secures its wages bill through taxation and credit ratings that bear no relationship to the much more vulnerable way that private businesses have to fund their labour costs through overdrafts and private financing.

Legislative action which flows public sector conditions onto private businesses simply in order to secure entitlements of formerly employed public sector employees is unrealistic and a dangerous step down a fraught industrial and economic path.

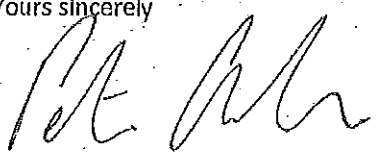


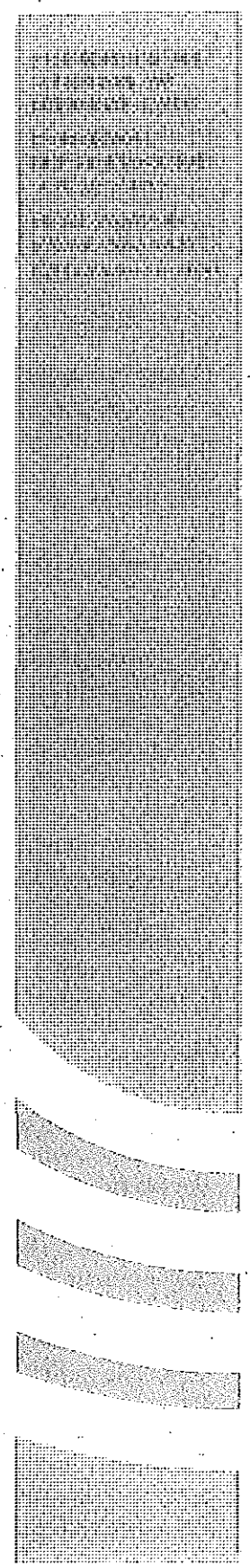
I also note that action of this type by a federal government is capable of inciting retaliatory action by a state or territory government, thus fostering a jurisdictional battle over industrial relations. If that were to occur it would add uncertainty for business and undermine largely bipartisan moves to establish a stable and durable national industrial relations system.

ACCI's Director of Workplace Policy **Exempt s41**
would be pleased to expand on these matters with your officials, should this be required.

ACCI requests that the Australian government reconsider its proposal and develop a more balanced set of measures in dialogue with state and territory governments.

Yours sincerely


Peter Anderson
Chief Executive



Collins, Jacob

From: Collins, Jacob
Sent: Thursday, 11 October 2012 9:47 AM
To: Brighton, Meg
Subject: RE:

Categories: FOI - IR

Yes, yes it is - apologies - i'll follow up with JACSD

Regards,
Jake

-----Original Message-----

From: Brighton, Meg
Sent: Thursday, 11 October 2012 9:27 AM
To: Collins, Jacob
Cc: Kefford, Andrew; Purtill, Garrett; Young, Michael
Subject: RE:

HI Jake

Isn't this the matter that you referred to WorkSafe ACT for action?

Regards
Meg

-----Original Message-----

From: Collins, Jacob
Sent: Thursday, 11 October 2012 9:15 AM
To: Brighton, Meg
Cc: Kefford, Andrew; O'Neill, Carolyn; Purtill, Garrett
Subject: FW:
Importance: High

Hi Meg,

Can we get some urgent advice on this matter pls?

Regards,
Jake

-----Original Message-----

From: MP5001@act.gov.au [<mailto:MP5001@act.gov.au>]
Sent: Thursday, 11 October 2012 9:06 AM
To: Collins, Jacob
Subject:

This E-mail was sent from "LAB00L02P38" (Aficio MP 5001).

Scan Date: 11.10.2012 08:06:01 (+1000)
Queries to: MP5001@act.gov.au

Collins, Jacob

From: Collins, Jacob
Sent: Tuesday, 25 September 2012 11:15 AM
To: Barnes, Robert (ACT LSLA)
Subject: RE: Employer and employee figures.

Categories: FOI - IR

Great, thanks very much Robert

Regards,
Jake

From: Robert Barnes [<mailto:Robert.Barnes@actleave.act.gov.au>]
Sent: Tuesday, 25 September 2012 11:15 AM
To: Collins, Jacob
Cc: Shih Catherine (ACT LSLA); Josipovic, Goran (ACT LSLA)
Subject: FW: Employer and employee figures.

Jake,

Please see below for the details you were after. These are current figures.

The Minister's copy of the LSLA 2012 Annual Report was delivered by hand yesterday to the Minister's Office Manager, Jane. Jane had subsequently called to confirm receipt of the report. The remaining 34 copies will be delivered directly to the Tabling Office on Thursday by the printers.

Hope this resolves your problems.

Regards

Rob

Rob Barnes
Chief Executive Officer and Registrar
ACT Long Service Leave Authority
Phone: 02 6247 3900
Fax: 02 6257 5058
Email: robert.barnes@actleave.act.gov.au

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From: Goran Josipovic
Sent: Tuesday, 25 September 2012 11:02 AM

To: Robert Barnes
Cc: Rees, John (John.Rees@act.gov.au)
Subject: Employer and employee figures.

229

Hi Rob,

As requested updated employer and employee details these will be attached to the Authority newsletter.

April-June 2012	Construction	Cleaning	Community
Active Employers	1,558	90	214
Active Employees	22,865	5,426	12,963
Claims paid out YTD	\$1,729,694	\$227,125	\$4,210
Levies received YTD	\$1,613,376	\$324,286	\$1,061,575
Employees added on January – March 2012 Quarterly Return	801	127	760
Outstanding Quarterly Returns	13	0	1
Employees Currently on Returns	12,691	2,857	10,441

Regards,

Goran Josipovic

Chief Operations Officer
Deputy CEO / Deputy Registrar
ACT Long Service Leave Authority
Phone: 02 6247 3900
Fax: 02 6257 5058
Email: goran.josipovic@actleave.act.gov.au

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Jones, Katherine (CMCD)

From: Barbaro, Fiona
Sent: Wednesday, 17 October 2012 4:26 PM
To: Jones, Katherine (CMCD)
Subject: FW: Corro re fireworks
Attachments: MIN 2012 002802 Community Fireworks.PDF

This is policy and education so could sit with either – really just explaining the law and that small scale fireworks are permitted if conducted in accordance with the provisions of the DSA i.e. they seem to have understood that the ban on backyard fireworks is broader than it is.

Shall I say we'll do it?

Fiona

From: Craig, Kristin
Sent: Wednesday, 17 October 2012 4:08 PM
To: Barbaro, Fiona
Cc: Collins, Jacob
Subject: FW: Corro re fireworks

Fiona
Is OIR the right place for this?
Kristin

From: Collins, Jacob
Sent: Wednesday, 17 October 2012 3:57 PM
To: Craig, Kristin
Subject: FW: Corro re fireworks

Hi Kristen – in Thilaga's absence, can I leave this with you?

Regards,
Jake

From: Collins, Jacob
Sent: Wednesday, 17 October 2012 3:56 PM
To: Nadesan, Thilaga
Subject: FW: Corro re fireworks

Hi Thilaga – not sure if Fiona is back or if JR is on leave – can you pls find out if OIR will take this one pls?

Regards,
Jake

From: Ceramidas, Joshua
Sent: Wednesday, 17 October 2012 12:39 PM
To: Collins, Jacob
Subject: Corro re fireworks

Hi Jake,

Would you mind having a look at the attached corro regarding fireworks regulation and seeing if OIR are willing to take lead given their policy role for the Dangerous Substance Act?

Thanks.

Kind regards,

Joshua Ceramidas

Directorate Liaison Officer
Justice and Community Safety Directorate
Minister Simon Corbell's Office
Phone: 02 6205 3044
Mobile: 0422 668 243
Email: joshua.ceramidas@act.gov.au
Website: www.justice.act.gov.au

JUSTICE AND COMMUNITY SAFETY

Ministerial Correspondence

Community Fireworks

MIN:2012/002802



Correspondent: Porter, Mary (Ms) MLA
Receiving Minister: Attorney-General

Tracking

Receipt date 10/10/2012
Date referred to directorate 10/10/2012
Date due to Minister
Date response rec'd in MO _/ _/ _

Action

Priority Routine Critical date
Division OFFICE OF REGULATORY SERVICES
Required action Reply by directorate
For reply by Department
Action officer Ext. _____
Action notes

Clearance

Director-General	_____	____/____/____
Deputy Director-General	_____	____/____/____
Chief Finance Officer	_____	____/____/____
Executive Director	_____	____/____/____

Notes:

Filing

External file number
External file source Business Phone
Date Filed _/ _/ _

*When all action is complete, please file papers and provide file number.
'External file source' is the record keeping system on which the file is captured (e.g. ACT Record Services, Objective IDMS etc).



Mary Porter AM MLA
Labor Member for Ginninderra



Ph: +61 2 6205 0100

Fax: +61 2 6205 0040

web: www.maryporter.net

e-mail: porter@parliament.act.gov.au

Deputy Speaker ACT Legislative Assembly

Government Whip

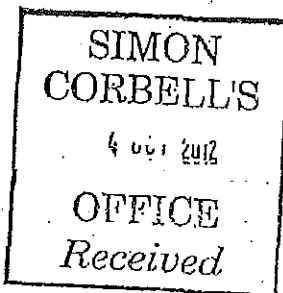
Chair of the Standing Committee on Planning, Public Works and Territory and Municipal Services

Deputy Chair of the Standing on Climate Change, Environment and Water

Member of the Standing Committee on Education, Training and Youth Affairs

28 September 2012

Mr Simon Corbell MLA
 Attorney General
 ACT Legislative Assembly
 London Circuit
 CANBERRA, ACT 2601



Dear Mr Corbell,

I am writing to you on behalf of **Exempt s41**, regarding community fireworks being permitted in the ACT.

Exempt s41 approached me at my mobile office and told me that he believes that it would be a good idea if the Government could consider giving permission to small scale community fireworks events at venues outside of suburbia.

He says that the current large events such as *Skyfire* are not family friendly and that many families with children are starting to avoid them because of the difficulty of getting parking, and having to walk their children and all the necessary gear with large numbers of people jostling for space.

I would appreciate if you could respond to **Exempt s41** concerns. I thank you for your time and consideration in this matter and I look forward to receiving a response.

Yours sincerely

Mary Porter AM MLA
 Member for Ginninderra

TO
☐ Minister
☐ Clerk of Staff
☐ Other
☐ Adviser
☐ EO
☒ DLO

☒ USE
☒ Reply
☐ Advise
☐ Noted
☐ File
☒ **Directorate response**
☐ Change meeting
☐ Information
☐ Refer to
☐ Action

COMMENT

Legislative Assembly for the Australian Capital Territory

Civic Square, London Circuit (GPO Box 1020) Canberra ACT 2601

T (02) 6205 0439 F (02) 6205 3109 E secretariat@parliament.act.gov.au W www.parliament.act.gov.au

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Jones, Katherine (CMCD)

From: Barbaro, Fiona
Sent: Wednesday, 17 October 2012 4:29 PM
To: Craig, Kristin
Cc: Collins, Jacob; Jones, Katherine (CMCD)
Subject: RE: Corro re fireworks

Yes – OIR will do this and explain that these kind of fireworks are in fact permitted (so long as conducted in accordance with the law).

Fiona

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Subject: FW: Corro re fireworks

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Regards,
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Regards,
Jake

From: Ceramidas, Joshua
Sent: Wednesday, 17 October 2012 12:39 PM
To: Collins, Jacob
Subject: Corro re fireworks

Hi Jake,

Would you mind having a look at the attached corro regarding fireworks regulation and seeing if OIR are willing to take lead given their policy role for the Dangerous Substance Act?

Thanks.

Kind regards,

Joshua Ceramidas

Directorate Liaison Officer
Justice and Community Safety Directorate
Minister Simon Corbell's Office
Phone: 02 6205 3044
Mobile: 0422 668 243
Email: joshua.ceramidas@act.gov.au
Website: www.justice.act.gov.au

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Categories: FOI - IR, Red Category

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Phone: 02 6205 3044
Mobile: 0422 668 243
Email: joshua.ceramidas@act.gov.au
Website: www.justice.act.gov.au

Jones, Katherine (CMCD)

From: Purtill, Garrett
Sent: Monday, 22 October 2012 5:32 PM
To: Jones, Katherine (CMCD); Collins, Jacob
Cc: Barbaro, Fiona
Subject: RE: summary - nish building incident

Thanks Guys.

Garrett Purtill | Adviser | Office of the Minister for Education, Minister for Aboriginal & Torres Strait Islander Affairs, Minister for Corrections, & Minister for Industrial Relations
t: 02 6205 0494 | m: 0407 254 994 | fx: 02 6205 3030 | em: garrett.purtill@act.gov.au |

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From: Jones, Katherine (CMCD)
Sent: Monday, 22 October 2012 5:14 PM
To: Purtill, Garrett; Collins, Jacob
Cc: Barbaro, Fiona
Subject: summary - nish building incident

Dear Garrett

As requested, the following information has been provided by WorkSafe ACT regarding the incident at the Nishi Building today.

At approximately 12.30 pm today, 22 October WorkSafe ACT were advised by ACT Ambulance of an incident involving a fall from height of a male person at the Nishi Building site in Acton ACT.

WorkSafe ACT Inspectors attended the scene commencing an investigation into the incident and ascertained the following information:

- Exempt s43*
- A 21 year old male employed by _____ has fallen approx 5 metres
 - It appears he may have been working alone in a basement car park area
 - Worker was undertaking cutting of vent holes in concrete known as "Speed walling"
 - It appears he did not have any fall protection and has fallen down a 5 m x 3.07 m shaft
 - Investigation has not yet identified any witnesses to the incident
 - Injured worker has managed to ring 000 to obtain assistance
 - Ambulance transported the injured worker to Canberra Hospital in a conscious and stable condition for further attention and scans

- Hospital reports the Injured worker remains in a stable condition
- Injured workers family have been notified
- WorkSafe ACT has issued a Prohibition Notice relating to the work that was being undertaken at the time of the incident at the Nishi site
- Investigation is on-going to establish cause of the incident and systems of work

Kind regards

Katherine Jones | A/g Senior Manager, Work Safety Policy
Phone: +61 2 6205 0308 | Fax: +61 2 6207 6775 | Email: katherine.jones@act.gov.au Office of
Industrial Relations | Chief Minister and Cabinet | ACT Government Level 5 Canberra Nara
Centre | GPO Box 158 Canberra ACT 2601 | www.act.gov.au