



**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 2024-400
Date of Application	5 December 2024
Date of Decision	7 February 2025
Processing time (in working days)	39
Fees	N/A
Decision on Access	Partial Release
<b>Information Requested (summary)</b>	A copy of WorkSafe ACT inspectors report from an incident in June 2024.
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:** [no-reply@act.gov.au](mailto:no-reply@act.gov.au)  
**To:** [CMTEDD FOI](#)  
**Subject:** CMTEDDFOI 2024-400 Freedom of Information request  
**Date:** Thursday, 5 December 2024 10:50:25 AM

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

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

### Your details

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

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

A large grey rectangular box redacting the user's contact details.

### Request for information

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

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

A copy of the WorkSafe ACT Inspector's Report relating to an occupational violence incident at The Canberra Hospital which was notified to WorkSafe by the CPSU on 19 June 2024.

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

Thank you.  
Freedom of Information Coordinator



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2024-400



## **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 5 December 2024.

Specifically, you have sought access to the following information:

- *A copy of the WorkSafe ACT Inspector's Report relating to an occupational violence incident at The Canberra Hospital which was notified to WorkSafe by the CPSU on 19 June 2024.*

### **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 **17 February 2025**.

### **Decision on access**

Searches of CMTEDD records have identified one document within the scope of your request.

I have decided to grant **partial access** to one document.

### **Release of documents**

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

### **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
- views of consulted third parties
- the *Human Rights Act 2004*

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

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

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

- *No relevant sections identified.*

### **Public Interest Test**

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

- *Section 2.1(a)(ii) - contribute to positive and informed debate on important issues or matters of public interest.*
- *Section 2.1(a)(xiii) - contribute to the administration of justice generally, including procedural fairness.*

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 (Section 2.2)***

- *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.*

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

Individuals are entitled to expect that the personal information they have supplied as part of this process will be dealt with in a manner that protects their privacy. Considering the type of information to be withheld from release, I am satisfied that the factors in favour of release can still be met while protecting the personal information of the individuals involved. I therefore weigh the factor for nondisclosure more highly than the factors in favour of release in this instance. As a result, I have decided that release of this information (names of individuals no longer employed by the ACT Public Service) could prejudice their right to privacy under the *Human Rights Act 2004*.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

## **Charges**

Processing charges are not applicable for this request because the number of pages released to you is below the charging threshold of 50 pages.

## **Online publishing – Disclosure Log**

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a [disclosure log](#).

Your original access application 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](mailto: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 Information Access Team by telephone on 6207 7754 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely



Katharine Stuart

Information Officer

Chief Minister, Treasury and Economic Development Directorate

7 February 2025

# WORKPLACE VISIT REPORT

## Initial Information

Inspection Number: 00208768  
Lead Inspector: Shani Skorich  
Inspector ID: P52634  
Lead inspector email address: shani.skorich@worksafe.act.gov.au  
Is there any accompanying inspectors? Yes  
Jesse Parker P05559  
Date visit commenced: 25 June, 2024 10:39  
Legislation visit conducted under: WHS

## Entity Information

Type of entity: Directorate  
Name of individual or registered company: Canberra Health Services  
Trading as: The Canberra Hospital  
ACN:  
ABN: 82049056234  
Industry Group: Healthcare  
Address: Yamba Drive Garran ACT 2605  
Contact Name: Sch 2.2(a)(ii)  
Contact Number:  
Contact Email: Sch 2.2(a)(ii)

## Details of Visit:

Address: Yamba Drive Garran ACT 2605  
Notification of entry to (as required by s164): Other

**Inspector Notes:**

On 25 June 2024 at 10:39 AM, Inspector Shani Skorich and person assisting Jesse Parker arrived at Canberra Health Services located at Building 28 at Yamba Dr, Garran ACT 2605 for the purpose of conducting a workplace visit following reports of occupational violence at Canberra Health Services.

Upon arrival, Skorich and Parker met with **Sch 2.2(a)(ii)** (identifying as the Senior Director of Work Health and Safety) and CJ Cabilan (identifying as the Director of Occupational Violence Prevention and Management) before moving to a private office within Building 28 wherein inquiries were undertaken.

The following information was obtained:

- The workplace has awareness of an occupational violence incident occurring at the workplace involving harmful behaviour from a consumer towards a worker whereby [REDACTED] called following unexpected and immediate escalation of the consumer's behaviour,
- The incident above is the same incident raised to WorkSafe ACT's awareness,
- The workplace has engaged with the Community and Public Sector Union (CPSU) in relation to this matter,
- Details in relation to the matter were discussed (contemporaneous notes taken),
- The workplace utilises behaviour management plans using a Behaviours of Concern (BOC) framework when a consumer has been identified as posing a safety risk to workers,
- The workplace confirmed that workers in the wardsperson position can see the plans noted above and a paper copy is kept bedside,
- The workplace advised that confusion and confused behaviour amongst consumers is common in the [REDACTED]
- "Welfare checks" are conducted post-incidents and are comprised of an informal and brief verbal check-in with workers,
- Formal debriefs occur post-incidents and email invites are sent to relevant workers,
- Hot debriefing occurs post-incidents, and
- Occupational violence leave is utilised post-incidents.

Inspector Skorich advised **Sch 2.2(a)(ii)** and Cabilan of the pending workplace visit report and left site at 12:33 PM on the same day.

*Disclaimer: The issues identified during this inspection are only indicative of compliance with the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2011, the Dangerous Substances Act 2004 and the Workers Compensation Act 1951 on the date of the inspection. If compliance is identified during this inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.*

**Previous Action**

Previous notice/s issued (either written or verbal)?

**Recipient/s of this form:**

Email: **Sch 2.2(a)(ii)**  
Email 2: cj.cabilan@act.gov.au  
Email 3:

Privacy Notice: The information collected for the purpose of the Work Health and Safety Act 2011 and is in accordance with the Information Privacy Act 2014. WorkSafe ACT prevents any unreasonable intrusion into person's privacy in accordance with the Privacy Act 1988 (C'Wlth) and Information Privacy Act 2014. WorkSafe ACT provides identifiable information which can be disclosed to other law enforcement agencies and authorised organisation that have legal authority to request information under prescribed circumstances.