



**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 2024-386
Date of Application	26 November 2024
Date of Decision	6 February 2025
Processing time (in working days)	45
Fees	N/A
Decision on Access	Partial Release
<b>Information Requested (summary)</b>	Workplace visit report for business premises in Forde.
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:** [REDACTED]  
**To:** [CMTEDD.FOI](#)  
**Subject:** CMTEDDFOI 2024-386 - Fwd: WorkSafe ACT - Response to Concern Raised - Case #00469642  
**Date:** Tuesday, 26 November 2024 3:46:46 PM  
**Attachments:** [REDACTED]

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Dear sir / Madam

[REDACTED]  
Can i please have the information about the work place visit for the following email in which the details are mention in the email .



**From:** "Mildren, Dany" <Dany.Mildren@worksafe.act.gov.au>  
**Date:** 26 November 2024 at 1:10:32 pm AEDT  
**To:** [REDACTED]  
**Subject:** WorkSafe ACT - Response to Concern Raised - Case #00469642

OFFICIAL

Dear [REDACTED]

WorkSafe ACT have conducted a workplace visit at [REDACTED] Forde ACT 2914 and issued a regulatory notice to the person conducting business or undertaking (PCBU), a copy of the notice must be displayed 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.

As previously mentioned to you, I am unable to share further information with you on this case, as you are not a direct employee or a representative of the PCBU, [REDACTED]

If you wish to obtain information about the case, you would be required to submit a Freedom of Information request - Details can be found here to make that submission: <https://www.worksafe.act.gov.au/contact-us>

Please do not hesitate to reach out to us if you have further questions or concerns, via email or phone.

Kind Regards,

**Dany Mildren | Inspector – General Industries**

P: 132 281| [REDACTED] E : [dany.mildren@worksafe.act.gov.au](mailto:dany.mildren@worksafe.act.gov.au)

**Office of the Work Health and Safety Commissioner**

**GPO Box 158 Canberra ACT 2601**

**WORKSAFEACT**

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## **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 26 November 2024.

Specifically, you have sought access to the following information:

- Can I please have the information about the work place visit for:

WorkSafe ACT have conducted a workplace visit at [REDACTED] Forde ACT 2914 and issued a regulatory notice to the person conducting business or undertaking (PCBU), a copy of the notice must be displayed 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.

### **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 **6 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 the document.

### **Release of documents**

Pursuant to section 38(6)(b) of the Act, I have decided to **defer access** to the information identified as of concern to an affected third party. Third parties affected may apply for review of my release decision within 20 working days, or a longer period allowed by the Ombudsman. I will write to you to advise when access is no longer deferred for this information.

## Statement of Reasons

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

- the Act
- the information that falls within the scope of your request
- views of third party consulted

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 interests lies. As part of this process I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it appears’. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

### **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)(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.*

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)(xi) - prejudice trade secrets, business affairs or research of an agency or person.*
- *Section 2.2(a)(ix) - prejudice the flow of information to the police or another law enforcement or regulatory agency.*

I consider 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. The information withheld from release could reasonably be expected to unfairly prejudice the business affairs and trade secrets of a third party, along with unwanted commercial implications. I have also had regard for the context for which this information was given as it was part of a regulatory activity and note that the release of some of the information within scope could negatively impact with the willingness of future respondents to fully comply with work place visits.

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)

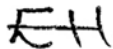
### **ACT Civil and Administrative Tribunal (ACAT) Review**

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 CMTEDD FOI Team by telephone on 6207 7754 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely



Emma Hotham  
Information Officer  
Chief Minister, Treasury and Economic Development Directorate

6 February 2025

# WORKPLACE VISIT REPORT

## Initial Information

Inspection Number: 00230474  
Lead Inspector: Dany Mildren  
Inspector ID: P65803  
Lead inspector email address: dany.mildren@worksafe.act.gov.au  
Is there any accompanying inspectors? Yes  
Sundar Siwakoti                      P53997  
Date visit commenced: 06 November, 2024 01:52  
Legislation visit conducted under: WHS

## Entity Information

Type of entity: Business Entity  
Name of individual or registered company: Sch 2.2(a)(xi)  
Trading as: Sch 2.2(a)(xi)  
ACN:  
ABN: Sch 2.2(a)(xi)  
Industry Group: Sch 2.2(a)(xi)  
Address: Sch 2.2(a)(xi)  
Contact Name: Sch 2.2(a)(xi)  
Contact Number: Sch 2.2(a)(xi)  
Contact Email: Sch 2.2(a)(xi)

## Details of Visit:

Address: Sch 2.2(a)(xi)  
Notification of entry to (as required by s164): PCBU

## Inspector Notes:

On the 6th of November 2024 at about 1352hrs WorkSafe ACT Inspectors MILDREN and SIWAKOTI attended Sch 2.2(a)(xi) (the workplace). The workplace visit was in response to a proactive inspection and a complaint around manual handling tasks.

Inspectors MILDREN and SIWAKOTI entered the workplace under the Work Health and Safety Act 2011 (WHS Act). Upon entry, Inspectors identified themselves to the Centre Manager (CM) and the Assistant Centre Manager (ACM) who identified that Sch 2.2(a)(xi) (the workplace), Trading as, Sch 2.2(a)(xi), is the person conducting a business or undertaking (PCBU).

Through enquiries and observations, the following was identified at the workplace:

- Inspectors observed fire equipment, such as hose reels, extinguishers and fire blankets that were regularly serviced every six (6) months and tagged in-date by a competent person, with the last service date as October 2024.

- First-aid kits were observed in the kitchen and front office, these kits are within date and have adequate supplies, the CM advised Inspectors that there is a kit in each of the class rooms. These kits are maintained by a competent person. Inspector MILDREN advised the CM to ensure the First-aid kit in the front office is easily accessible and not obstructed by other items in the cupboard.

- Electrical equipment, including but not limited to, a slow cooker, blender and desktop screens which are supplied with electricity through an electrical socket outlet, had evidence of current electrical inspection and testing, with tags found with the last service date as 25th October 2024.

- The workplace is generally clean and tidy with no issues observed in relation to the general workplace layout, care rooms, kitchen, laundry, the lighting, temperature, or flooring. Repairs and maintenance request are logged through the help desk on the intranet Sch 2.2(a)(xi) and actioned by the National Facilities team. Immediate hazards are directed to the CM for action.

- Hazardous chemicals are kept at the workplace in a locked laundry room, in secure cupboards.

- The chemicals including but not limited to, are Neutral floor cleaner, Floral Disinfectant and Laundry Powder.
- The hazardous chemical register and Safety Data Sheets (SDS) are maintained by the ACM. Inspector MILDREN advised the ACM that it would be best practise to add an extra column on the hazardous chemical register to include the expiry date of the SDS.
- The chemical refills and purchases are maintained by Sch 2.2(a)(xi), who will supply SDS as required with new chemicals.
- Inspectors observed the chemical register and SDS are located in the laundry room, in a plastic document holder.
- The SDS were within the required date of 5 years from the print date, however four (4) were found to be out of date, and the ACM was able to provide evidence at the end of the visit that they had been updated.

- Inspectors asked the CM how the workplace manage hazardous manual tasks, and the CM advised:

- Sch 2.2(a)(xi) are put through manual handling training for specific tasks around Sch 2.2(a)(xi) and moving furniture around rooms, as part of the onboarding induction.
- Sch 2.2(a)(xi) have access to the national policies and procedures on the intranet Sch 2.2(a)(xi), which include Manual Tasks.
- The PCBU has recently updated the onboarding induction for the role of Chefs, which includes Manual Tasks, such as using the dishwasher.
- The CM advised that they have a 'Safety Share' each month around incidents that have occurred in the Sch 2.2(a)(xi) industry. The CM will add a discussion point around manual tasks in the next staff meeting, as a reminder.
- A new training system Sch 2.2(a)(xi) is being rolled out on the intranet Sch 2.2(a)(xi) this is designed to track staff training and provide refresher training. It was given to the Senior Leaders and Leaders first and then to the Sch 2.2(a)(xi) to complete.

- Inspectors made enquiries regarding a written issue resolution procedure and the CM was able to produce a grievance policy. Staff have access to view this procedure at any time via the workplace intranet or in the staff room notice board.

- The CM advised that staff and educators raise grievances with the Centre Manager for review.
- If the staff or educator do not feel comfortable raising with the CM they can raise the grievance with the Portfolio Manager, who look after the state of ACT.
- Once discussions are had from both parties, it will be escalated to the national safety or facilities team for approval and action or decline.

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

Contemporaneous notes were taken in Notebook A10452 Pages 62-67 (MILDREN) and Notebook A10450 Pages 103-105 (SIWAKOTI), and photographs taken.

At about 1504hrs the same day, Inspectors departed the workplace.

Email [media@worksafe.act.gov.au](mailto:media@worksafe.act.gov.au) to join our mailing list and receive up to date work health and safety information.

*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)(xi)  
Email 2: [sundar.siwakoti@worksafe.act.gov.au](mailto:sundar.siwakoti@worksafe.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'With) 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.