



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 2026-182
Date of Application	9 July 2026
Date of Decision	12 August 2026
Processing time (in working days)	24
Fees	N/A
Decision on Access	Partial Release
Information Requested (summary)	Documents held by WorkSafe ACT concerning WorkSafe ACT employees or former employees.
Publication Details	
Original application	☒ Published ☐ N/A
Decision notice	☒ Published ☐ N/A
Documents and schedule	☒ Published ☐ 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



Freedom of Information (FOI) request - Submission confirmation

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

Date and time

09 Jul 2026 3:25:56 PM

Reference code

DKYQLGMX

Chief Minister, Treasury and Economic Development Directorate (CMTEDD)

GPO Box 158
Canberra City, ACT 2601

Phone: 6207 7754
CMTEDDFOI@act.gov.au

Applicant information

☒ I want to submit this request anonymously

Assistance

Do you need assistance with preparing your request?

☐ Yes

☒ No

Do you need an interpreter?

☐ Yes

☒ No

Contact details

For your anonymous request to be valid, please provide at least one method of contact. This information will help us confirm the details of your request and/or deliver information to you once your request is completed.

Phone number

Email address

Address line 1

Address line 2

Suburb

State

Postcode

Help us direct your request

The following information helps us send your request to the most appropriate team who will coordinate and respond to your request.

What do you know about the information you are requesting?*

- ☒ I know the Directorate or agency
- ☐ I know the topic
- ☐ I am not sure

Directorate or agency*

- ☐ Canberra Health Services
- ☒ Chief Minister, Treasury and Economic Development Directorate
- ☐ City and Environment Directorate
- ☐ Digital Canberra
- ☐ Education Directorate
- ☐ Health and Community Services Directorate
- ☐ Infrastructure Canberra
- ☐ Justice and Community Safety Directorate
- ☐ Multiple Directorate request

Request for

To help us process your request:

- Include enough detail in your application so we can identify what government information you want.
- As an alternative to using fields within the form, you may choose to attach documents or audio recordings.
- You may wish to include a statement on how the release of this information is in the public interest.

Scope of your request

What information are you requesting access to?*

Dear Freedom of Information Officer,

I request access under the Freedom of Information Act 2016 (ACT) to documents held by WorkSafe ACT concerning WorkSafe ACT's involvement in requesting, supporting, prompting, recommending, shaping, or providing input into psychological or psychiatric independent medical examinations involving WorkSafe ACT employees or former employees.

The relevant period is 1 July 2020 to the date of this request.

This period is selected because WorkSafe ACT was established as an independent prescribed Territory authority on 1 July 2020. The request is intended to capture WorkSafe ACT's involvement in psychological or psychiatric independent medical examination referrals from the commencement of the current WorkSafe ACT structure.

I request existing documents, correspondence, email chains, file notes, meeting records, referral records, briefing records, schedules, registers, templates, or extracts from existing electronic records sufficient to show:

1. any request, referral, instruction, briefing, email, file note, meeting record, or other document by which WorkSafe ACT requested, supported, prompted, recommended, approved, shaped, or provided input into a psychological or psychiatric independent medical examination;
2. the purpose of such examinations, including whether the assessment related to liability, capacity, rehabilitation, return to work, work placement, fitness for duty, medical examination, workers compensation, or another stated purpose;
3. the issues, concerns, questions, topics, workplace background, chronology, documents, or other information WorkSafe ACT proposed, provided, or requested be considered by the assessor;
4. whether WorkSafe ACT proposed, preferred, commented on, objected to, approved, or sought information about a particular assessor, specialty, provider, assessment pathway, referral question, or document bundle;
5. communications between WorkSafe ACT and CMTEDD Injury Management, the Work Safety Group, EML, mlcoa, or any other independent medical examination provider about psychological or psychiatric independent medical examinations involving WorkSafe ACT employees or former employees;
6. any document showing who initiated, requested, approved, supported, opposed, shaped, delayed, or recommended a psychological or psychiatric independent medical examination in a WorkSafe ACT-related matter; and
7. any internal WorkSafe ACT policy, procedure, practice note, guidance, template, checklist, instruction, or standard wording concerning when psychological or psychiatric independent medical examinations should be requested, supported, arranged, or relied upon.

For clarity, I do not seek individual claimants' medical reports, clinical histories, diagnoses, treatment records, treatment notes, medical certificates, or private medical information.

If necessary to protect personal privacy, I am willing to receive the information in de-identified form, or in a table, schedule, register extract, spreadsheet extract, or other existing extract, provided the documents still show WorkSafe ACT's role in requesting, supporting, prompting, shaping, or providing input into

psychological or psychiatric independent medical examinations.

If individual employee names are exempted or redacted, I request that each matter be identified by a consistent de-identified label, such as Matter A, Matter B, and so on, so that the sequence, frequency, purpose, requesting entity, and WorkSafe ACT involvement can still be understood.

To reduce the burden of processing this request, I do not require duplicate copies of the same document. I am seeking documents sufficient to identify WorkSafe ACT's role, the purpose of the referral, the issues or questions proposed, the information or documents provided to the assessor or provider, and any involvement in the selection, use, approval, or framing of assessors, providers, referral questions or document bundles.

I am not asking the agency to create a new document. However, if the requested information can be provided through an extract from existing electronic records, I am willing to receive it in that form.

If any part of this request is considered unclear or likely to require refinement, I ask that the agency contact me to assist in clarifying or narrowing the request before making any decision to refuse access or commence a practical refusal process.

Attach additional documents to support your application

Submit application

Timeframes

The Directorate responsible for your application must:

- inform you in writing within 10 working days that it has received your application
- communicate to you about any difficulties/ delays in processing your request
- provide you with a decision on access to the information within 30 working days or less

Requests may take longer than 30 days in situations where an extension has been granted.

If the Directorate must consult a third party, the deadline for providing a decision is extended by 15 working days. The Directorate will notify you if consultation is required.

Anonymous request

You're submitting an anonymous FOI request. The information you supply will be provided to:

- **Chief Minister, Treasury and Economic Development Directorate**
- **cmteddFOI@act.gov.au**

The FOI team may contact you to clarify details of your request. This will assist the team in reaching a decision on providing access to the information.

After submitting your request, you may wish to save a PDF copy of your form or email a PDF copy to your nominated email address.



To Whom It May Concern

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 9 July 2026. Specifically, you have sought access to the following information:

“I request access under the Freedom of Information Act 2016 (ACT) to documents held by WorkSafe ACT concerning WorkSafe ACT’s involvement in requesting, supporting, prompting, recommending, shaping, or providing input into psychological or psychiatric independent medical examinations involving WorkSafe ACT employees or former employees. The relevant period is 1 July 2020 to the date of this request. This period is selected because WorkSafe ACT was established as an independent prescribed Territory authority on 1 July 2020. The request is intended to capture WorkSafe ACT’s involvement in psychological or psychiatric independent medical examination referrals from the commencement of the current WorkSafe ACT structure.

I request existing documents, correspondence, email chains, file notes, meeting records, referral records, briefing records, schedules, registers, templates, or extracts from existing electronic records sufficient to show:

- 1. any request, referral, instruction, briefing, email, file note, meeting record, or other document by which WorkSafe ACT requested, supported, prompted, recommended, approved, shaped, or provided input into a psychological or psychiatric independent medical examination;*
- 2. the purpose of such examinations, including whether the assessment related to liability, capacity, rehabilitation, return to work, work placement, fitness for duty, medical examination, workers compensation, or another stated purpose;*
- 3. the issues, concerns, questions, topics, workplace background, chronology, documents, or other information WorkSafe ACT proposed, provided, or requested be considered by the assessor;*
- 4. whether WorkSafe ACT proposed, preferred, commented on, objected to, approved, or sought information about a particular assessor, specialty, provider, assessment pathway, referral question, or document bundle;*
- 5. communications between WorkSafe ACT and CMTEDD Injury Management, the Work Safety Group, EML, mlcoa, or any other independent medical examination provider about psychological or psychiatric independent medical examinations involving WorkSafe ACT employees or former employees;*
- 6. any document showing who initiated, requested, approved, supported, opposed, shaped, delayed, or recommended a psychological or psychiatric independent*

medical examination in a WorkSafe ACT-related matter; and

7. *any internal WorkSafe ACT policy, procedure, practice note, guidance, template, checklist, instruction, or standard wording concerning when psychological or psychiatric independent medical examinations should be requested, supported, arranged, or relied upon.*

For clarity, I do not seek individual claimants' medical reports, clinical histories, diagnoses, treatment records, treatment notes, medical certificates, or private medical information."

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.

Therefore, a decision is due by **20 August 2026**.

Decision on access

Searches within WorkSafe ACT have identified information within the scope of your request.

Some of the information identified as relevant to your scope included health information. The FOI Act cannot be used to access health records under the *Health Records (Privacy and Access) Act 1997*. This information was not processed as part of this access application.

The information that can be processed under the FOI Act has been compiled into a document by the business unit.

I have decided to grant **partial access** to the information within the document.

Release of documents

The information is being released to you as an appendix to this notice. Refer **Appendix 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
- *Health Records (Privacy and Access) Act 1997*
- *Information Privacy Act 2014*
- *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 nondisclosure 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.

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 nondisclosure.

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 within 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 (Sch 2, s 2.1)

- *Section 2.1(a)(ii) - contribute to positive and informed debate on important issues or matters of public interest.*

As you have requested information related to the ACT Public Service (ACTPS), the information you have requested may contribute to informed debate on matters of public interest, being medical assessment information about the ACTPS.

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 (Sch 2, s 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.*

I have decided to not release full statistical data to protect the privacy of individuals. In small value datasets, the probability of identifying individuals increases significantly by combining the information with other available data. Withholding these details helps ensure confidentiality is maintained and reduces the risk of unintended disclosure of personal information.

I find there is a reasonable likelihood that individuals could be identified, either directly or through combination with other information if exact numbers were released for some categories. However, I have decided to release exact data where there were zero individuals fitting a category. I have given significant weight to protecting information about a person’s personal circumstances and sensitive information collected during their employment.

Having applied the test outlined in section 17 of the Act and deciding that release of some 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.

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

A handwritten signature in black ink, appearing to read 'K Stuart', written in a cursive style.

Katharine Stuart

Information Officer

Chief Minister, Treasury and Economic Development Directorate

12 August 2026

Appendix A

Some exact figures have been withheld in accordance with section 17 of the Act as the information has been found contrary to the public interest. Refer decision notice for more information.

Assessment type – WorkSafe ACT documents related to	
Psychological or psychiatric independent medical examination	Less than 5 each year
Communications between WorkSafe ACT and CMTEDD Injury management, WSG, EML, MLCOA or other	Less than 5 each year
Internal policy, procedure, practice note, template, checklist, instruction, or standard wording concerning psychological or psychiatric independent medical examination	Nil as assessment requirements is subject to particular circumstances of individual.