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 2026-238
Date of Application	20 August 2026
Date of Decision	23 October 2026
Processing time (in working days)	45
Fees	Waived
Decision on Access	Partial Release
Information Requested (summary)	Information concerning governance and regulatory arrangements where WorkSafe ACT itself is the workplace.

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

20 Aug 2026 3:53:56 PM

Reference code

L98TB8C8

Chief Minister, Treasury and Economic Development Directorate (CMTEDD)

GPO Box 158
Canberra City, ACT 2601

Phone: 6207 7754
CMTEDDFOI@act.gov.au

Applicant information

- [x] 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 CMTEDD FOI Team,

Freedom of Information Request

I request access under the Freedom of Information Act 2016 (ACT) to documents held by CMTEDD, including WorkSafe ACT and the Office of Industrial Relations, concerning the governance and regulatory arrangements that apply where WorkSafe ACT itself is the workplace in which a work health and safety or psychosocial-hazard concern arises.

This request is directed to the institutional arrangements for ensuring independence, appropriate oversight and management of actual, potential or perceived conflicts of interest where WorkSafe ACT is both:

the ACT work health and safety regulator; and
the employing organisation or workplace to which the WHS or psychosocial concern relates.

The request arises in the context of records released in CMTEDDFOI 2024-220, including CPSU correspondence of 24 May 2023 seeking urgent intervention in relation to what it described as ongoing, serious and unresolved issues concerning WorkSafe ACT's operations and culture.

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

I do not seek individual complaint, investigation, personnel or medical files. My request concerns the governance framework, independence arrangements and systemic handling of WHS and psychosocial matters concerning WorkSafe ACT itself.

I request access to existing documents sufficient to show the following.

1. Regulatory responsibility where WorkSafe ACT is itself the workplace concerned

Documents sufficient to show which person, office, agency, business area or other entity is responsible for considering, assessing, investigating or exercising regulatory functions where a WHS concern, psychosocial hazard or alleged WHS contravention concerns:

a. WorkSafe ACT as a workplace;

b. WorkSafe ACT employees;

c. systems, practices or organisational arrangements within WorkSafe ACT; or

d. conduct or decisions of WorkSafe ACT management.

This includes any document explaining whether WorkSafe ACT may exercise regulatory powers or functions in relation to its own workplace.

2. Separation of employer and regulator functions

Documents sufficient to show any arrangements intended to separate:

a. WorkSafe ACT's role as an employer or business unit;

[illegible]

b. its responsibilities for the health and safety of its own employees; and

c. its statutory or regulatory functions under work health and safety legislation.

This includes any policy, protocol, governance arrangement, delegation, practice note, memorandum, instruction or documented procedure dealing with separation of those functions.

3. Actual, potential or perceived conflicts of interest

Documents sufficient to show the arrangements applying where an actual, potential or perceived conflict of interest may arise because WorkSafe ACT is both the regulator and the workplace affected by the WHS or psychosocial matter.

This includes documents concerning:

a. identification and declaration of conflicts;

b. assessment of conflicts;

c. recusal or exclusion from decision-making;

d. appointment of an alternative decision-maker;

e. separation of personnel or functions;

f. escalation to another area of CMTEDD or ACT Government; and

g. use of independent or external decision-makers, investigators, advisers or specialists.

4. Concerns involving senior WorkSafe ACT management

Documents sufficient to show the governance or escalation arrangements applicable where the alleged WHS or psychosocial hazard arises from, relates to, or concerns:

a. conduct of members of WorkSafe ACT senior management;

b. management practices or organisational systems approved by senior management;

c. decisions of the WorkSafe ACT Senior Leadership Team or Senior Leadership Group; or

d. conduct or decisions of the Work Health and Safety Commissioner or other senior executive.

I seek documents sufficient to show who is responsible for deciding what action should be taken in such circumstances and what independence or conflict-management safeguards apply.

5. Independent or external oversight

Documents sufficient to show the circumstances in which a WHS or psychosocial matter concerning WorkSafe ACT itself may or must be referred to, considered by, or assisted by:

a. another area of CMTEDD;

b. the Office of Industrial Relations;

c. another ACT Government directorate or agency;

d. an independent investigator;

e. an external WHS or psychosocial-risk specialist;

f. an external legal or governance adviser; or

g. another independent or regulatory body.

This includes documents sufficient to show who has authority to decide whether independent or external involvement is required.

6. Threshold or criteria for independent referral

Any policy, guidance, decision framework, protocol or other document setting out factors to be considered when deciding whether a matter concerning WorkSafe ACT should be dealt with internally or referred for independent or external consideration.

This includes any consideration of:

a. seriousness of the alleged hazard or contravention;

b. involvement of senior management;

c. actual, potential or perceived conflict of interest;

d. risk to actual or perceived independence;

e. risk to public confidence;

f. repeated or systemic psychosocial hazards; or

g. inability of WorkSafe ACT to investigate or regulate the matter independently.

7. Independent or external involvement since 1 July 2020

Any existing de-identified register, report, spreadsheet, briefing, system extract, summary or other record sufficient to show the number of occasions since 1 July 2020 on which:

a. independent or external investigation, assessment or advice was considered in relation to a WHS or psychosocial matter concerning WorkSafe ACT itself;

b. such independent or external involvement was approved;

c. such involvement was declined;

d. another ACT Government entity was asked to become involved; or

e. a WorkSafe ACT officer, manager or decision-maker was recused or replaced because of an actual, potential or perceived conflict of interest.

Where recorded, I request the year, broad category of matter, type of external or independent involvement and broad outcome.

I do not seek the names of affected employees, complainants, witnesses or individuals under investigation.

I do not require CMTEDD to create a new statistical analysis where no such record or readily available system extract exists.

8. Decisions not to obtain independent oversight

Any policy, systemic review, briefing or governance document concerning circumstances in which independent or external oversight was considered but determined not to be necessary for a WHS or psychosocial matter concerning WorkSafe ACT itself.

Where an existing de-identified or systemic record identifies such a decision, I seek documents sufficient to show:

a. the broad nature of the matter;

b. who or what position made the decision;

c. the basis upon which internal handling was considered appropriate; and

d. any safeguards adopted to manage independence or conflict concerns.

9. Assurance, audit or review of the self-regulation arrangements

Any audit, review, assurance activity, governance assessment, legal review, risk assessment or briefing since 1 July 2020 concerning:

a. the adequacy of arrangements for dealing with WHS matters concerning WorkSafe ACT itself;

b. independence of decision-making;

c. actual or perceived conflicts arising from WorkSafe ACT regulating matters affecting its own workplace;

d. effectiveness of separation between employer and regulator functions; or

e. whether existing governance arrangements require improvement.

I request any findings, recommendations and resulting organisational actions arising from such a review.

10. Risk identification

Any corporate, governance or WHS risk register entry, risk assessment or equivalent systemic record identifying a risk arising from WorkSafe ACT:

a. exercising regulatory or investigatory functions concerning its own workplace;

b. investigating matters involving its own managers or executives;

c. managing psychosocial hazards affecting its own employees; or

d. circumstances capable of creating actual or perceived regulatory conflict or lack of independence.

Where such a risk has been recorded, I request documents sufficient to show the risk rating, controls, risk owner and any review of the effectiveness of those controls.

11. Consideration following the CPSU concerns raised in 2023

Documents sufficient to show whether the governance or independence issue addressed by this request was considered following the CPSU correspondence of 24 May 2023 concerning psychosocial risk and workplace culture within WorkSafe ACT.

This includes documents sufficient to show whether consideration was given to:

a. whether WorkSafe ACT could appropriately assess or respond to concerns relating to its own workplace;

b. whether independent or external review was required;

c. whether any conflict or perceived conflict arose;

d. whether existing governance arrangements were considered adequate; and

e. any recommendation, decision or action resulting from that consideration.

I do not seek the identities of individual CPSU members, complainants or affected employees.

12. Applicable governance documents

Any current policy, procedure, protocol, memorandum of understanding, delegation, practice note, instruction, decision framework or other governance document actually applicable to the matters described above.

Where the relevant governance arrangements changed materially between 1 July 2020 and the date of this request, I request the materially different versions sufficient to identify the nature and timing of those changes.

Scope and privacy

For clarity, this request concerns the systemic governance and independence arrangements applying when WorkSafe ACT itself is the workplace affected by a WHS or psychosocial-hazard matter.

I do not seek:

names or identifying information of complainants, witnesses or affected employees;
medical or health information;
complete individual WHS complaint or incident files;
individual personnel, disciplinary or Preliminary Assessment files;
detailed allegations concerning identifiable individuals; or
information unrelated to the governance and independence issues described above.

Where responsive documents contain exempt or irrelevant personal information, I request partial access with that information redacted rather than refusal of access to the document in full.

Where individual names cannot reasonably be released, position titles, business areas or de-identified descriptions are sufficient.

I seek existing documents, records and existing electronic-system extracts only. I do not require the creation of new information, legal advice or a new narrative explanation.

If no specific policy or protocol exists addressing how WorkSafe ACT manages WHS or psychosocial matters concerning its own workplace, I nevertheless seek any existing document sufficient to show the governance arrangement actually applied in practice, including documents identifying the relevant decision-maker, escalation pathway or conflict-management mechanism.

Processing priority

If processing the entire request would otherwise raise substantial-processing concerns, I request that priority be given to paragraphs 1, 2, 3, 4, 5, 7 and 11.

If any part of the request is considered too broad or likely to require substantial processing, please contact me before making a decision so that I may consider narrowing the scope rather than having the request refused.

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.

ACT Government
Chief Minister, Treasury and Economic Development

Our ref: CMTEDDFOI 2026-238

[redacted]

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 24 August 2026.

Following clarification of scope, you have sought access to the following information:

I request access under the Freedom of Information Act 2016 (ACT) to documents held by CMTEDD, WorkSafe ACT and the Office of Industrial Relations.

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

In particular, I seek information on:

1. *Guidelines, processes or other documents outlining how WHS or psychosocial hazard concerns involving WorkSafe ACT as a workplace are investigated.*
2. *Documents setting out arrangements for ensuring independent oversight, including circumstances in which matters involving WorkSafe ACT as a workplace may be referred to another area of government, an external investigator, adviser or specialist. (noting that WorkSafe ACT is a Statutory Office with ultimate accountability resting with the Minister)*
3. *Any audits, reviews, risk assessments, governance assessments or similar documents since 1 July 2020 that discuss:*
    - *WorkSafe ACT handling matters concerning its own workplace;*
    - *conflicts of interest;*
    - *independence of decision-making; or*
    - *the adequacy of existing governance arrangements.*

Any current policies, procedures, protocols, delegations or guidance documents relevant to the above matters

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 **23 October 2026.**

Decision on access

Searches within CMTEDD records have identified 114 documents in scope of your request.

I have decided to grant **full access** to 74 documents.

I have decided to grant **partial access** to 38 documents.

I have decided to grant **no access (nondisclosure)** to 2 documents.

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**.

Out of scope information has been redacted. On the schedule, 'out of scope' information has been noted for each document, however if there are no other redactions, release of the document is considered a full release. This is because no information is being withheld subject to the public interest test.

Copies of information have been excluded in their entirety or have been redacted and marked as 'copy' where they form part of email trails or other documents.

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 consultation
- *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

My reasons for deciding not to grant access to the information or components of information found 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 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 (Section 2.1)

- *Section 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability.*
- *Section 2.1(a)(iii) - inform the community of the government's operations, including policies, guidelines and codes of conduct followed by the government in its dealings with members of the community.*

Reviewing the information, I consider that material concerning how psychosocial hazards and workplace health and safety at WorkSafe ACT are managed would promote discussion around the transparency of WorkSafe ACT and the ACT Government in applying its own guidelines to the work safety regulator.

Further, I consider guidelines and procedures for managing psychosocial hazards and workplace health and safety at WorkSafe ACT will assist in informing the community how these issues are managed internally.

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.*
- *Section 2.2(a)(xvi) - prejudice a deliberative process of government.*

Having reviewed the documents, I consider that the protection of an individual's right to privacy, is a significant factor. This, in my opinion, outweighs the benefit which may be derived from releasing the personal information of the individuals' involved.

Individuals are entitled to expect that the personal information they have supplied when dealing with the ACT government 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 weight this 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 could prejudice individuals' right to privacy under the *Human Rights Act 2004*.

For document 30 only, I have weighed the factor 'prejudice a deliberative process of government' more heavily than those for disclosure. This is because this document '*Ministerial Statement of Expectations 2026*', at this time, is yet to be considered by the Minister. Therefore, this document is exempt currently.

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 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

23 October 2026

ACT Government
Chief Minister, Treasury and Economic Development

FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
I request access under the Freedom of Information Act 2016 (ACT) to documents held by CMTEDD, WorkSafe ACT and the Office of Industrial Relations. The relevant period is 1 July 2020 to the date of this request. In particular, I seek information on: 1. Guidelines, processes or other documents outlining how WHS or psychosocial hazard concerns involving WorkSafe ACT as a workplace are investigated. 2. Documents setting out arrangements for ensuring independent oversight, including circumstances in which matters involving WorkSafe ACT as a workplace may be referred to another area of government, an external investigator, adviser or specialist. (noting that WorkSafe ACT is a Statutory Office with ultimate accountability resting with the Minister) 3. Any audits, reviews, risk assessments, governance assessments or similar documents since 1 July 2020 that discuss: • WorkSafe ACT handling matters concerning its own workplace; • conflicts of interest; • independence of decision-making; or • the adequacy of existing governance arrangements. 4. Any current policies, procedures, protocols, delegations or guidance documents relevant to the above matters.	2026-238

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
		Binder 1				
1	1	Agenda papers and meeting attendance_ WHS Council Meeting19 - 22 August 2024 (2)	16/08/2024	Full	Sch 2 2.2(a)(ii) Out of scope	Yes
2	2-3	WHS Council Agenda	8/06/2023	Full	Out of scope	Yes
3	4-7	WHS Council Minutes Meeting 13 endorsed	22/03/2023	Full	Out of scope	Yes
4	8-11* 45-49	WHS Council Meeting 14	8/06/2023	Full	*Pp 12-44 - Out of scope	Yes
5	50-55	WHS Council meeting 19 Minutes	22/08/2024	Full	Out of scope	Yes
6	56-71	WHS Council meeting 20	14/11/2024	Full	Out of scope	Yes
7	72-75	Info brief - WHS Council letter to Minister – SIGNED	8/1/2025	Full	n/a	Yes
8	76	FW: Agenda papers and meeting attendance: WHS Council Meeting 19	20/08/2024	Partial	Sch 2 2.2(a)(ii) Out of scope	Yes

9	77-79	FW: Conflict of interest declaration	1/10/2025	Partial	Sch 2 2.2(a)(ii)	Yes
10	80-85	FW: WSG to lead: Ministerial brief required: Conflict of Interest declaration	2/10/2025	Partial	Sch 2 2.2(a)(ii)	Yes
11	86-89	Ministerial Brief request: Conflict of interest declaration (WorkSafe ACT Commissioner)	2/10/2025	Partial	Sch 2 2.2(a)(ii)	Yes
12	90-95	RE: Letter to the Chair of the WSH Council	14/08/2024	Partial	Sch 2 2.2(a)(ii)	Yes
13	96-97	Conflict of Interest Disclosure Form	29/09/2025	Exempt	Sch 2 2.2(a)(ii)	Yes
14	98-185	Agenda and Papers WSH Council Meeting 19	22/08/2025	Partial	Pp 101-115; 121-162 - Out of scope	Yes
15	186	WorkSafe ACT: WHS Council papers (email)	5/08/2022	Full	n/a	Yes
16	187-190	Signed Info Brief: Response to WorkSafe ACT culture concerns	8/01/2025	Full	n/a	Yes
17	191-192	Email attachment. WHS Council meeting paper Prosecution Guidelines Review	31/05/2023	Full	n/a	Yes
18	193-195	Email attachment – General Guidelines for Prosecutions	31/05/2023	Full	n/a	Yes
19	196-197	FW_ WorkSafe ACT Response - Boland Prosecution Review	23/06/2023	Full	n/a	Yes
20	198	WHS Council meeting 20 – meeting agenda and papers (email) [attachment see doc 6 for copy]	8/11/2024	Partial	Sch 2 2.2(a)(ii) Out of scope	Yes
21	199-200	WHS Council response to Minister Gentleman regarding WorkSafe Act Culture	12/09/2024	Partial	Sch 2 2.2(a)(ii)	Yes
22	201-202	For Action – WHS Council Meeting 19 Minutes (email)	02/10/2024	Partial	Sch 2 2.2(a)(ii)	Yes
23	203-204	RE: [For Action] WHS Council Meeting 19 Thursday 22 August 2024 – Minutes, Communique & Action Items	04/09/2024	Partial	Sch 2 2.2(a)(ii)	Yes
24	205-206	WHS Council Meeting 19 Thursday 22 August 2024 – Full Minutes (email)	8/11/2024	Full	n/a	Yes
25	207-209	WHS Council Meeting 20 – Follow up on Action Items & Feedback Reminders	10/12/2024	Partial	Sch 2 2.2(a)(ii) Out of scope	Yes
26	210-211	WHS Council Meeting 20 Action Items, Minutes and Communique, and Tower Crane Code of Practice Documentation	22/11/2024	Partial	Sch 2 2.2(a)(ii) Out of scope	Yes
27	212-213	[For Action] WHS Council Meeting 19 Thursday 22 August 2024 - Minutes, Communique & Action Items	29/08/2024	Partial	Sch 2 2.2(a)(ii)	Yes
28	214	WHS Council Agenda and Papers meeting 12 Agenda item 3.3	2022	Full	n/a	Yes

29	215-238	2018 Independent Review Closure Report	Nov 2022	Full	n/a	Yes
30	-	Ministerial Statement of Expectations 2026		Exempt	Sch2, 2.2 (a)(xvi)	No
			Binder 2			
31	1-2	Letter to Chair of WHS Council	31/07/2024	Full	n/a	Yes
32	3-4	Agenda item xx General Guidelines for Prosecutions MEETING 35	nd	Full	n/a	Yes
33	5-7	General Guidelines for Prosecutions	June 2023	Full	n/a	Yes
34	8-9	Workers Compensation (Director-General) Delegations 2020 (No 1)	November 2020	Full	n/a	Yes
35	10-12	Workers Compensation (Appointments and Delegations) 2019 (No 1)	9/07/2019	Full	n/a	Yes
36	13-15	Legislation (Workers Compensation) Delegation 2021 (No 2)	2021	Full	n/a	Yes
37	16	Workers Compensation Delegation 2011 (No 1)	27/11/2011	Full	n/a	Yes
38	17-19	Brief – Delegations and Appointments – Workers Compensation Act 1951	02/11/2020	Full	n/a	Yes
39	20-25	Work Health and Safety (Office of the Work Health and Safety Commissioner) Statement of Expectations 2020	01/07/2020	Full	n/a	Yes
40	26-28	WHS Council terms of reference	nd	Full	n/a	Yes
41	29-43	WHS Council Operation and Accountability Guidelines 2019	2019	Full	n/a	Yes
42	44-45	QTON 187	August 2024	Full	n/a	Yes
43	46-50	RE: MEDIA ENQUIRY – RIOTACT: WorkSafe ACT	18/07/2024	Partial	Sch 2 2.2 (a)(ii)	Yes
44	51-56	RE: MEDIA ENQUIRY – RIOTACT: WorkSafe ACT	18/07/2024	Partial	Sch 2 2.2 (a)(ii) copy	Yes
45	57-58	QTON 187 SIGNED	09/08/2024	Full	n/a	Yes
46	59	Estimates QTON 187 ANSWER (email)	09/08/2024	Full	n/a	Yes
47	60-61	WSH Council - Agenda Item 6.2 - Minister's Statement of Expectation 2024-25 for WorkSafe ACT	2023	Full	n/a	Yes

48	62-68	Work Health and Safety (Office of the Work Health and Safety Commissioner) Statement of Expectations 2023	1 November 2023	Full	n/a	Yes
49	69	WHS Council letter to the Minister	30/07/2024	Partial	Sch 2 2.2(a)(ii)	Yes
50	70-71	Letter to Chair of WHS Council	31/07/2024	Full	copy	Yes
51	72	WHS Council letter to the Minister	14/08/2024	Partial	Sch 2 2.2(a)(ii)	Yes
52	73-74	WorkSafe ACT Staffing Matters (email)	04/04/2023	Partial	Sch 2 2.2(a)(ii)	Yes
53	75-76	Information Brief – hot topic	nd	Full	n/a	Yes
54	77-80	Min Brief: Response to WorkSafe ACT culture concerns	08/01/2025	Full	n/a	Yes
55	81-85	QTBs (annotated and non-annotated)	25/02/2025	Full	n/a	Yes
56	86-92	RE: Letter to the Chair of the WHS Council	14/08/2024	Partial	Sch 2 2.2(a)(ii)	Yes
57	93-94	Correspondence Pettersson to Agius	24/10/2025	Full	n/a	Yes
58	95-96	QTON 186 - signed	09/08/2024	Full	n/a	Yes
59	97	Estimates QTON Answer (email)	09/08/2024	Full	n/a	Yes
60	98	Confidential Final Report – WorkSafe ACT Prosecutions Review (email)	26/07/2022	Partial	Sch 2 2.2(a)(ii)	Yes
61	99-138	Conduct of Work Health and Safety Prosecutions Review (WorkSafe ACT)	June 2022	Full	n/a	Yes
62	139	Consultation: workers compensation delegations	06/07/2021	Full	n/a	Yes
63	140	Early Attachment – CONFIDENTIAL WHS Prosecutions Report	25/07/2022	Partial	Sch 2 2.2(a)(ii)	Yes
64	141-142	FW: WorkSafe ACT Response – Boland Prosecution Review	23/06/2023	Full	Copy of doc 19	Yes
65	143-144	WHS Council to Minister	12/09/2024	Partial	Sch 2 2.2(a)(ii)	Yes
66	145	Brief to HOAC – WorkSafe ACT WC Delegations	03/11/2020	Full	n/a	Yes
67	146-150	Brief to Head of Access Canberra	02/11/2020	Full	n/a	Yes

68	151	FOR EGM APPROVAL: Revised QTB for review	30/08/2024	Partial	Sch 2 2.2(a)(ii)	Yes
69	152-154	QTB Workplace Culture at WorkSafe ACT	22/08/224	Full	n/a	Yes
70	155-157	FW: WORKSAFE BRIEF – Written direction re amendments	21/04/2026	Partial	Sch 2 2.2(a)(ii)	Yes
71	158-160	FW: CPSU letter about WorkSafe culture	11/07/2024	Full	n/a	Yes
72	161-162	FW: FOR APPROVAL: WorkSafe ACT WC Delegations	06/11/2020	Full	n/a	Yes
73	163-165	Brief to Head of Access Canberra	06/11/2020	Full	n/a	Yes
74	166	FW: Letter to Chair of WSH Council	01/08/2024	Partial	Sch 2 2.2(a)(ii)	Yes
75	167-168	Letter to Chair of WHS Council	31/07/2024	Full	n/a	Yes
76	169	FW: OIRWS review of WorkSafe Brief	15/08/2025	Partial	Sch 2 2.2(a)(ii)	Yes
77	170-196	WHS Commissioner Minute to Director-General	14/08/2025	Full	n/a	Yes
78	197-199	Advice on WorkSafe brief (email)	17/04/2024	Full	n/a	Yes
79	200-201	Magistrates Court (Workers Compensation Infringement Notices Authorised People) Appointment 2025 (No 1)	11/04/2025	Full	n/a	Yes
80	202-203	Breakdown of changes to delegations for WS ACT Staff under the MC Act	nd	Full	n/a	Yes
81	204-212	Magistrates Court (Dangerous Substances Infringement Notices) Administering Authority Delegation 2025 (No 1)	11/04/2025	Full	n/a	Yes
82	213-224	Magistrates Court (Workers Compensation Infringement Notices) Administering Authority Delegation 2025 (No 1)	11/04/2025	Full	n/a	Yes
83	225-234	Magistrates Court (Dangerous Substances Infringement Notices) Administering Authority Delegation 2025 (No 2)	August 2025	Full	n/a	Yes
84	235-244	Magistrates Court (Workers Compensation Infringement Notices) Administering Authority Delegation 2025 (No 2)	August 2025	Full	n/a	Yes
85	245	WorkSafe ACT Delegations (email)	25/09/2020	Partial	Sch 2 2.2(a)(ii)	Yes
86	246-248	HOS brief – WorkSafe Delegations	15/09/2020	Full	n/a	Yes
87	249-251	Legislation (Workers Compensation) Delegation 2021 (No 2)	30/07/2021	Full	n/a	Yes

88	252-255	Min Brief: Ministerial Delegations	30/07/2021	Full	n/a	Yes
89	256	Notification request: delegation instrument	30/07/2021	Full	n/a	Yes
90	257-296	Conduct of Work Health and Safety Prosecutions Review (WorkSafe ACT)	June 2022	Full	n/a	Yes
91	297-298	Re: FOR APPROVAL: WorkSafe ACT WC delegations	09/11/2020	Full	n/a	Yes
92	299-300	Workers Compensation (Director General) Delegations 2020 No 1	9/11/2020	Full	n/a	Yes
93	301-303	Brief to Head of Access Canberra – Delegations and appointments SIGNED	06/11/2020	Full	n/a	Yes
94	304-307	RE: Consultation: workers compensation delegations	14/07/2021	Partial	Sch 2 2.2(a)(ii)	Yes
95	308-309	RE: Consultation: workers compensation delegations	12/07/2021	Partial	Sch 2 2.2(a)(ii)	Yes
96	310-313	Legislation (Workers Compensation) Delegation 2021 (No 2) - annotated	2021	Full	n/a	Yes
97	314-315	RE: Consultation: workers compensation delegations	08/07/2021	Partial	Sch 2 2.2(a)(ii)	Yes
98	316-319	Legislation (Workers Compensation) Delegation 2021 (No 2) - annotated	2021	Full	n/a	Yes
99	320-321	RE: Conflict of Interest Declaration by WorkSafe ACT Commissioner (email)	13/10/2025	Full	n/a	Yes
100	322-327	RE: MEDIA ENQUIRY – RIOTACT: WorkSafe ACT	19/07/2024	partial	copy	Yes
101	328-333	RE: MEDIA RESPONSE FOR APPROVAL FW: WorkSafe ACT	29/07/2024	partial	Sch 2 2.2(a)(ii) copy	Yes
102	334	Re: quick check	25/09/2020	Full	n/a	Yes
103	335-346	RE: WC Delegations	09/11/2020	Full	n/a	Yes
104	347-348	Re: Workers Comp Delegations and Appointments	17/09/2020	Partial	Sch 2 2.2(a)(ii)	Yes
105	349-356	Re: WorkSafe ACT	29/07/2024	Partial	Sch 2 2.2(a)(ii)	Yes
106	357-359	QTB Workplace Culture at WorkSafe ACT	30/08/2024	Full	n/a	Yes
107	360-434	WHS Commissioner Brief to Director General – SIGNED AND UNSIGNED COPIES INCLUDING ATTACHMENTS	11/09/2025	Full	n/a	Yes

108	435-436	FW: Invitation to participate in whole of government psychosocial safety climate project	21/10/2024	Full	n/a	Yes
109	437-439	Workers Compensation Delegations and Appointments (email and attachment)	16/09/2020	Partial	Sch 2 2.2(a)(ii)	Yes
110	440- 456	Workers Compensation Delegations and Appointments (email and attachments)	28/10/2020	Partial	Sch 2 2.2(a)(ii)	Yes
111	457-458	Ministerial Information Brief – Hot Topic	nd	Full	n/a	Yes
112	459	Letter Minister to WHS Commissioner UNSIGNED	October 2025	Partial	Sch 2 2.2(a)(ii)	Yes
113	460-461	QTON 187 UNSIGNED	August 2024	Full	n/a	Yes
114	462-463	QTB Workplace Culture at WorkSafe ACT	28/11/2024	Full	n/a	Yes
Total No of Docs						
114						

From: Kelly, Angeline on behalf of ACTWorkHealthandSafetyCouncil.Secretariat
To: Sch 2.2(a)(ii)
Cc: Lukins, Ellen; ONeill, JessA; Kelly, Angeline; ACTWorkHealthandSafetyCouncil.Secretariat
Subject: Agenda papers and meeting attendance: WHS Council Meeting19 - 22 August 2024
Date: Friday, 16 August 2024 4:28:00 PM
Attachments: image001.jpg
Agenda and Papers - WHS Council Meeting 19 - 22 August 2024.pdf

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Good afternoon Members

Please see attached Agenda and papers for meeting 19 of the WHS Council on 22 August 2024.

Please note:

out of scope

- Item 6.1 is **confidential for *members only*, do not distribute this package further**.

Acting members will only be provided with a copy of the package if they are attending the meeting as proxy.

If you could please confirm **by COB Tuesday 20 August 2024** if you will be attending the meeting in person or virtually by contacting the Secretariat via the mailbox:

ACTWorkHealthandSafetyCouncil.Secretariat@act.gov.au

Thank you for your patience.

Kind regards,

Angeline Kelly | Policy Officer
Stakeholder Engagement & Governance
Angeline.Kelly@act.gov.au **| (02) 620 75518**
Work Safety Group | Office of Industrial Relations & Workforce Strategy
Chief Minister, Treasury and Economic Development Directorate | ACT Government

WORK HEALTH AND SAFETY COUNCIL

ACT Government

Meeting 14: Thursday, 8 June 2023 (12:30 – 3:00pm)

Venue: Hybrid meeting

Online via Webex or

Room 0.12 - 220 London Circuit, Canberra City

out of scope

14/3.2	1:15pm	Review of the Work Health and Safety (Prosecution) Guidelines	WHS Commissioner	Paper	For decision

out of scope

out of scope

WORK HEALTH AND SAFETY COUNCIL

ACT Government

MEETING 13 – MINUTES (ENDORSED)

Date: 22 March 2023
Time: 12:30 – 15:00
Venue: WebEx and in-person

Apologies:

Brenton Higgins (CPSU)

Members present:

Members appointed under Schedule 2, section 2.3 (1)(a)

Michael Hiscox (CFMEU ACT Branch); Lyndal Ryan (United Workers Union ACT); Thomas Cullen (Australian Nursing and Midwifery Federation ACT); Kasey Tomkins (UnionsACT); Patrick Judge (acting Member) (Australian Education Union ACT)

Members appointed under Schedule 2, section 2.3 (1)(b)

Anthony Brierley, Chair (Pharmacy Guild of Australia); Anna Whitty (Northside Community Service); Warwick Bennett (University of Canberra); Ashlee Berry (Master Builders Association ACT); Frances Crimmins (YWCA Canberra)

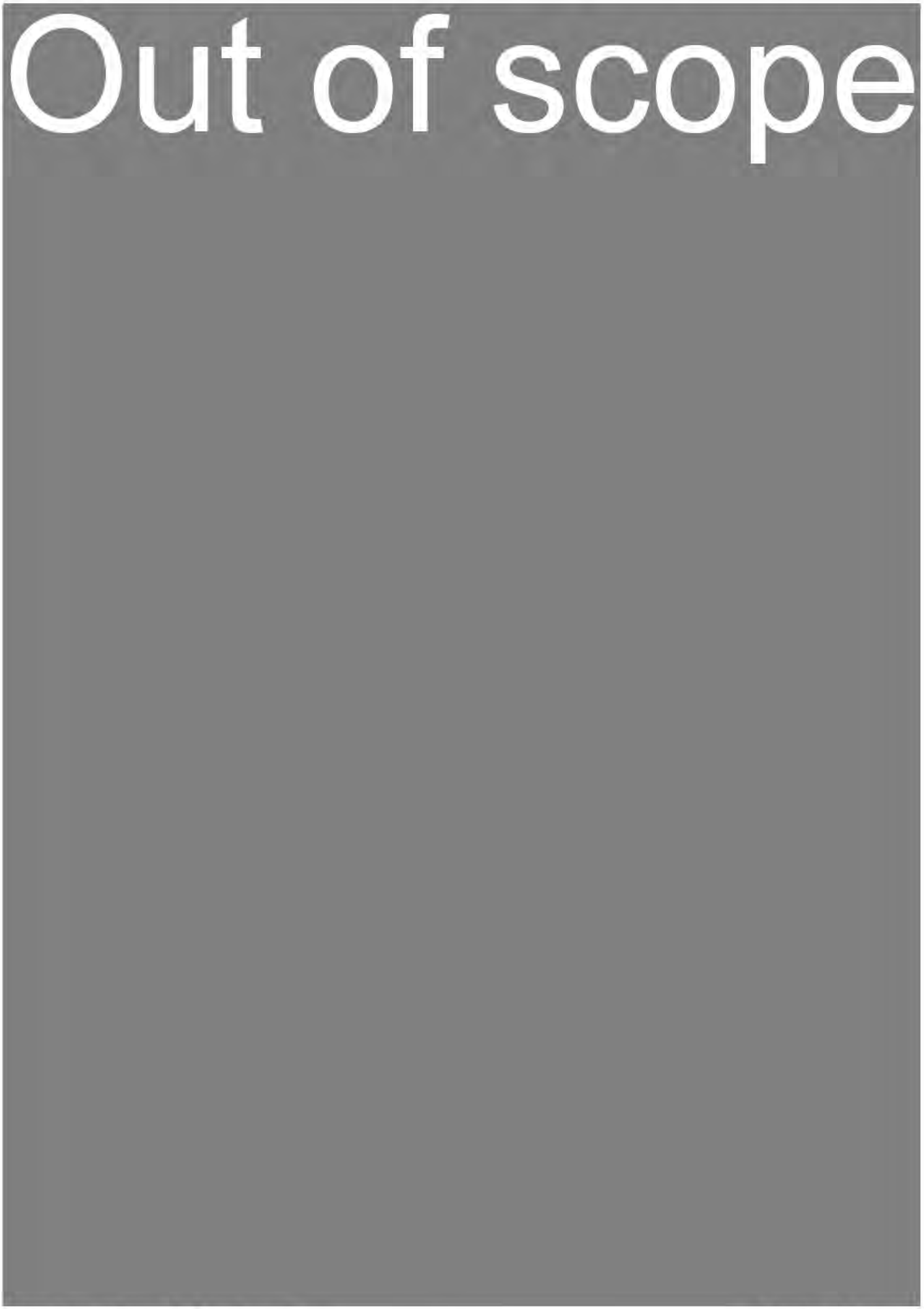
Ex-officio Members

Michael Young (Public Sector Workers Compensation Commissioner)

Jacqueline Agius (Work Health and Safety Commissioner)

Secretariat:

Ellen Lukins, Rebecca Sullivan (Work Safety Group, Office of Industrial Relations and Workforce Strategy)


Out of scope

Out of scope

5.3	Draft Psychosocial CoP	Ellen Lukins thanked Members for providing comments on the previous draft. Members noted the agenda paper and agreed to provide feedback on the revised draft CoP by 3 May 2023. Members agreed a 12-week transition period for commencing the Psychosocial CoP once made. **Action Item 9:** Members to provide feedback to the WHS Council Secretariat on the revised draft ACT Code of Practice: Managing

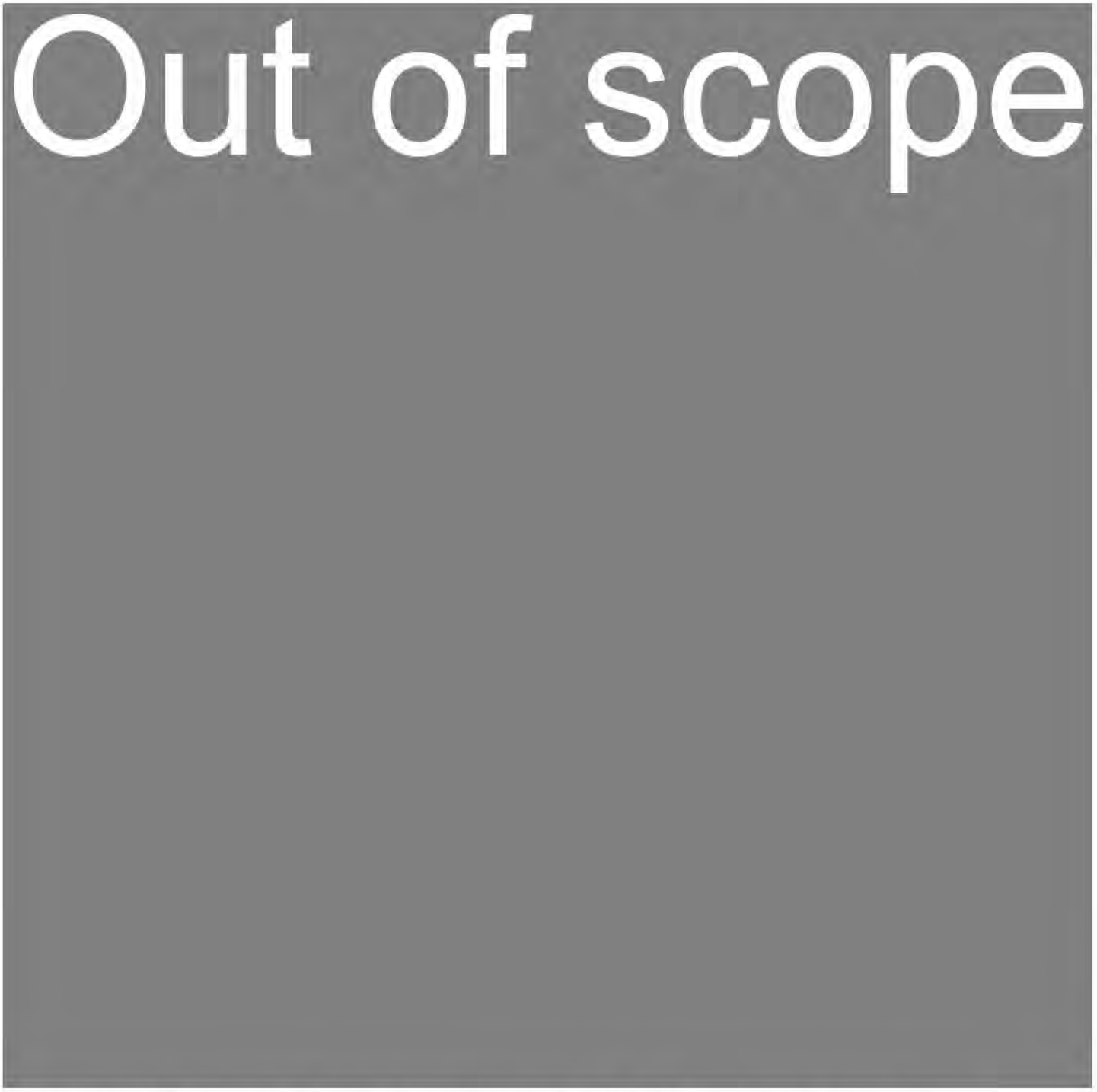
		Psychosocial Hazards at work by **3 May 2023**.



WORK HEALTH AND SAFETY COUNCIL

ACT Government

Out of scope



Ministerial Statement of Expectations 2023 for the ACT's Office of the Work Health and Safety Commissioner

In October 2022, in accordance with Schedule 2, division 2.2.5 of the *Work Health and Safety Act 2011* (WHS Act), the Minister for Industrial Relations and Workplace Safety issued the Work Health and Safety (Office of the Work Health and Safety Commissioner) Statement of Expectations 2022 (Statement of Expectations). The Statement of Expectations outlines the Government's priorities and initiatives for WorkSafe ACT, including:

- present and emerging WHS risks
    - psychosocial hazards in the workplace

  - WHS compliance within the ACT Government
  - PCBUs in supply chains
  - impacts of climate change in the workplace; and
  - workplace deaths.
- ongoing focus on the construction industry
- continued focus on ensuring the effective operation of WorkSafe ACT
- the performance of WorkSafe ACT; and
- ongoing engagement with the WHS Council.

Office of the WHS Commissioner - Statement of Operational Intent 2022

As required by Schedule 2, section 2.40 of the WHS Act, the WHS Commissioner published the Statement of Operational Intent for 2022 in December 2022, outlining the priority areas of focus for WorkSafe ACT for 2022-23:

- addressing psychosocial hazards in the workplace
- ensuring WHS compliance within an ACT Government which leads by example
- raising awareness of WHS duties for PCBUs in supply chains
- addressing work-related impacts of climate change
- ensuring that all workers and workplaces across the Territory are safe and healthy
- continuing to improve the operational efficiency of WorkSafe ACT; and
- ongoing engagement with the WHS Council.

Out of scope


Out of scope

WORK HEALTH AND SAFETY COUNCIL

ACT Government

Agenda Item 3.2 — For decision

Review of the Work Health and Safety (Prosecution) Guidelines

Prepared by WorkSafe ACT

Resolution:

Members to:

- **agree** to the draft revised *General Guidelines for Prosecutions* at Attachment A.

Background

The *Work Health and Safety (Prosecution) Guidelines 2018 (No 1)* (the 2018 Guidelines) were notified and commenced in 2018.

The Guidelines provide information about the way work health and safety (WHS) offences are prosecuted by the regulator.

Issues

WorkSafe ACT was established (1 July 2020) as an independent, prescribed Territory authority headed by the Work Health and Safety (WHS) Commissioner who is the Territory's WHS Regulator. Noting it has been five years since the 2018 Guidelines commenced, WorkSafe ACT has undertaken a review to ensure they remain contemporary.

As a result of the review WorkSafe ACT has identified several elements within the 2018 Guidelines that could be updated to better reflect policy and procedures; the Guidelines (Attachment A) have been amended to:

- refence the *WorkSafe ACT Compliance and Enforcement Policy 2020-2024* rather than the National Compliance and Enforcement Policy
- acknowledge and reflect the WHS Commissioner's ability to commence proceedings for an offence against the *Work Health and Safety Act 2011*
- state that the WHS Commissioner can commence a proceeding or may refer a matter to the Director of Public Prosecutions; and
- state that where the WHS Commissioner decides to commence a proceeding, the WHS Commissioner will be required to follow the process for starting criminal proceedings within Ch 3 of the *Magistrates Court Act 1930* (Magistrates Court Act).

Although WorkSafe ACT does not consider the proposed amendments to be significant we are seeking the view and endorsement of WHS Council Members before progressing any of the proposed changes.

Next Steps

If WHS Council Members support the proposed changes the revised Guidelines instrument will be published on the ACT legislation register. In addition, the WorkSafe ACT Compliance and Enforcement Policy 2020-2024 will be updated to reflect the changes to the Guidelines and also notified and published on the ACT legislation register.

Attachment

Attachment	Attachment Title
Attachment A	Revised General Guidelines for Prosecutions

WORKSAFE ACT SAFE + HEALTHY WORKPLACES

GENERAL GUIDELINES FOR PROSECUTIONS

WORK HEALTH AND SAFETY ACT 2011

June 2023

These guidelines provide information about the way work health and safety (WHS) offences are prosecuted by the regulator. These guidelines are published pursuant to section 230(3)(a) of the *Work Health and Safety Act 2011*.

The WHS Commissioner is the regulator and is an independent statutory office holder for the Australian Capital Territory (ACT). The Office of the WHS Commissioner (known as WorkSafe ACT) administers the work health and safety laws in the ACT including the:

- *Work Health and Safety Act 2011* (WHS Act), and
- *Work Health and Safety Regulation 2011*.

Copies of these laws are available at www.legislation.act.gov.au.

A revised *WorkSafe ACT Compliance and Enforcement Policy 2020-2024* was approved on xxxxxxx June 2023. The Policy outlines the aims of compliance and enforcement as well as the compliance and enforcement tools available to WorkSafe ACT. The Policy also sets outs general information about prosecutions, including the criteria used to determine whether to initiate prosecution and the timeframes for initiating such action.

Courts

Prosecutions for breaches of WHS laws are heard in the ACT Magistrates Court and ACT Supreme Court. Civil penalty provision matters are dealt with in the civil jurisdictions of those courts.

Prosecution initiation

Where the regulator considers that a prosecution should be initiated, the WHS Commissioner may commence proceedings for an offence against the WHS Act. In commencing a proceeding under the WHS Act, s 230 provides two methods for doing so:

1. the WHS Commissioner can commence a proceeding in its own right pursuant to s 230(1) of the Act, or
2. the WHS Commissioner may refer a matter to the Director of Public Prosecutions (DPP) under s 230(2) for the DPP to consider commencing a proceeding on behalf of the WHS Commissioner. Information about the DPP, including its Prosecution Policy, may be found at www.dpp.act.gov.au.

Where the WHS Commissioner decides to commence a proceeding in accordance with s 230(1) of the WHS Act, the WHS Commissioner will be required to follow the process for starting criminal proceedings within Ch 3 of the *Magistrates Court Act 1930* (Magistrates Court Act). This includes laying information in accordance with Pt 3.3 of the Magistrates Court Act.

The court process

Information about the court process in the ACT Magistrates Courts, ACT Supreme Court and ACT Court of Appeal can be found at www.courts.act.gov.au.

Sentencing options

The WHS laws set out a range of sentencing options that may be used. The following orders may be applied in addition to any penalty imposed for an offence:

- adverse publicity orders
- orders for restoration
- work health and safety project orders
- court-ordered WHS undertakings, and
- training orders.

Appeals

Appeals from decisions of the Magistrates Court and Supreme Court are governed by the Magistrates Court Act, the *Supreme Court Act 1933* and related legislation.

Records of court process and decisions

Decisions of the courts are recorded and available online at www.courts.act.gov.au.

Publication of prosecution outcomes

Prosecution outcomes may be published by WorkSafe ACT, including the publication of summaries of those outcomes on the WorkSafe ACT website www.worksafe.act.gov.au/

Recording of convictions

The court will decide whether a conviction will be recorded against a defendant. Prior convictions may influence the court in its findings and/or in determining the level of any penalty.

Requests for a prosecution to be brought

The WHS laws outline certain circumstances in which a person may request the regulator refer a matter to the DPP. Information about the circumstances in which such requests can be made and the process for initiating such request can be obtained by contacting WorkSafe ACT by email at – worksafe@worksafe.act.gov.au

Information about the status of court proceedings

The WHS Commissioner will ensure all impacted and injured parties of the status and updates relating to the relative and respective court proceedings.

WORK HEALTH AND SAFETY COUNCIL

ACT Government

MEETING 19 – MINUTES (FOR ENDORSEMENT)

Date: Thursday, 22 August 2024
Time: 12.36pm to 3:22pm
Venue: WebEx and in-person

Apologies: Ashlee Berry (Master Builders Association), Anna Whitty (Northside Community Service), and Tony Prescott as the Minister's Representative (Office of the Minister for Industrial Relations and Workplace Safety).

Members present:

Members appointed under Schedule 2, section 2.3 (1)(a)

Michael Hiscox (Chair) (CFMEU ACT), Lyndal Ryan (United Workers Union ACT) *(apology from 3:15pm onwards)*, Tom Cullen (Australian Nursing and Midwifery Federation ACT), Kasey Tomkins (Unions ACT), and Madeline Northam (CPSU).

Members appointed under Schedule 2, section 2.3 (1)(b)

Greg Harford (Deputy Chair) (Canberra Business Chamber), Warwick Bennett (University of Canberra), and Frances Crimmins (YWCA Canberra) (*apology from 3:14pm onwards*).

Ex-officio Members

Michael Young (Public Sector Workers' Compensation Commissioner) and Jacqueline Agius (ACT Work Health and Safety Commissioner).

Secretariat:

Ellen Lukins, Jess O'Neil, and Angeline Kelly (Work Safety Group, Office of Industrial Relations and Workforce Strategy).

Presenters:

Jessie Atkins (Education Directorate) – (*present only for the Education Directorate presentation at Item 19/2.1).*

Additional attendees (observers):

Rebecca Parton (Work Safety Group, Office of Industrial Relations and Workforce Strategy) (*present only for the Education Directorate presentation at Item 19/2.1),* and Bill Smith (Office of the ACT Work Health and Safety Commissioner).

FOR ENDORSEMENT

ITEM NO.	ITEM	OUTCOMES/ACTION ITEMS
19/1.1	Welcome and acknowledgements	The Chair opened the meeting with an acknowledgment of Country.
19/1.2	Disclosure of interests	
19/1.3	Minutes: (a) Meeting 18 16 May 202 (b) Extraordinary Meeting – 10 July 2024	
19/1.4	Action items	
19/1.5	Correspondence	
19/2	**PRESENTATION**	
19/2.1	Presentation: Review into the prevention and management of occupational violence in ACT Public Schools	

Out of scope

19/3	**NATIONAL FORA UPD**	
19/3.1	Safe Work Australia (SWA) Update	
19/4	**OFFICE OF THE WORK**	
19/4.1	WHS Commissioner - update	
19/5	**POLICY AND LEGISLATIVE UPDATE**	

Out of scope

FOR EX

19/5.1	Policy Branch update	Out of scope
19/6	**BUSINESS ARISING**	
19/6.1	Letter to Council from the Minister dated 31 July 2024 re: workplace culture at WorkSafe ACT	Two Members raised potential interests for disclosure in relation to agenda item 6.1: • Maddy Northam advised Members that she was a CPSU official, noting references in the media to the CPSU and claims made by it in relation to workplace culture at WorkSafe ACT • Kasey Tomkins advised Members that as a UnionsACT official, UnionsACT receives fees from member organisations including the CPSU. Members considered disclosures made and whether or not they met the threshold of a 'material interest' enlivening the legislative process for disclosures under schedule 2, section 2.7 of the *Work Health and Safety Act 2011* (WHS Act). Members agreed neither interest disclosed was a material interest and therefore did not require further action under the WHS Act. Members noted their roles in representing the interests of employees and employers on the Council. Members noted that the potential for material interests to arise during discussion would be monitored. Members noted that it was not possible to determine if the threshold for recommending an independent review had been reached without conducting an independent review, a function that Members considered did not sit within the remit of the Council. Given the claims raised publicly, Members agreed that some action by the Minister is necessary, in discussion with the work safety regulator, to address public assurance about the governance and regulatory activities carried out by WorkSafe ACT. This may, or may not, include an independent review. Members noted that the media attention on WorkSafe ACT's culture may cause some stress to staff at WorkSafe ACT and appropriate supports should be provided during this period. **ACTION ITEM 2:** Secretariat to circulate by 29 August 2024 draft content for a response to the Minister's letter of 31 July 2024 regarding workplace culture at WorkSafe ACT for comment by Council Members (except the WHS Commissioner) by 5 September 2024.
2:36pm – 2:45pm BREAK		

FOR FAIR TRADING

19/6.2	Consultation re: Ministerial Statement of Expectations for 2024 for WorkSafe ACT	Consultation was undertaken with Council Members to consider items for priority activities and initiatives for inclusion in the 2024-25 statement of expectations for the ACT's work safety regulator issued annually by the Minister. Members were advised that the timing of the ACT Election may impact when the next statement is made. Members discussed present and emerging issues, concluding that the current outlined priority activities and initiatives remain appropriate. Members also raised the following areas for consideration: • ongoing issue of safety regarding occupational violence in front facing/public facing systems, e.g. health, transport, and education. Similar language used in last year's statement on improving safety culture in the construction industry could be used as a basis • WHS hazards and risks to workers that engage regularly with vulnerable populations, and • fatigue risk management, including the health risks to workers of fatigue as well as safety risks caused by fatigue. Members were advised of national work already underway to develop a code of practice to assist PCBUs in managing fatigue risks at work. Members were thanked for their comments and input. Once discussion on this item ended, Ellen Lukins advised Jacqueline Agius and Bill Smith to re-enter the meeting.
19/6.3	ACT Private Sector Workers' Compensation Scheme Annual Actuarial Review	Out of scope
19/6.4	ACT Private Sector Workers' Compensation Scheme's Premium Drivers	
19/6.5	WHS Obligations: Workers under 18	
19/6.6	Consultation: Tower Crane Code of Practice – 12-month review	
19/6.7	Consultation: model crystalline silica substance rules implementation in the ACT	

19/7	**INJURY DATA REPORTING**	
19/7.1	Injury data trend reports	
19/8	**OTHER BUSINESS**	
19/8.1	Other business	
19/9	**NEXT MEETING DATE:**	
19/9.1	Request for proposed agenda items	
	3:22pm	**MEETING CLOSED**

Out of scope

FOR EXAMPLE

WORK HEALTH AND SAFETY COUNCIL

ACT Government

Meeting 20: Thursday, 14 November 2024 (12:30 – 3:30pm)

Venue: Hybrid meeting

Room 0.12, 220 London Circuit; or

Online via Webex

Out of scope

20/1.3	12:40	Minutes - Meeting 19 (22 August 2024)	Chair	Final minutes	For decision

Out of scope

20/1.5	12:45	Correspondence • Letter to Council from Minister (26 August 2024) re: sexual-based WHS complaints • Letter from Council to Minister (12 September 2024) re: WorkSafe ACT • Letter from Council to Minister (24 September 2024) re: 2024-25 Annual Report of the Office of the WHS Commissioner	Chair	Paper	For noting

Out of scope

Out of scope

Out of scope

Out of scope

WORK HEALTH AND SAFETY COUNCIL

ACT Government

MEETING 19 – MINUTES (FOR ENDORSEMENT)

Date: Thursday, 22 August 2024
Time: 12.36pm to 3:22pm
Venue: WebEx and in-person

Apologies: Ashlee Berry (Master Builders Association), Anna Whitty (Northside Community Service), and Tony Prescott as the Minister's Representative (Office of the Minister for Industrial Relations and Workplace Safety).

Members present:

Members appointed under Schedule 2, section 2.3 (1)(a)

Michael Hiscox (Chair) (CFMEU ACT), Lyndal Ryan (United Workers Union ACT) *(apology from 3:15pm onwards)*, Tom Cullen (Australian Nursing and Midwifery Federation ACT), Kasey Tomkins (Unions ACT), and Madeline Northam (CPSU).

Members appointed under Schedule 2, section 2.3 (1)(b)

Greg Harford (Deputy Chair) (Canberra Business Chamber), Warwick Bennett (University of Canberra), and Frances Crimmins (YWCA Canberra) (*apology from 3:14pm onwards*).

Ex-officio Members

Michael Young (Public Sector Workers' Compensation Commissioner) and Jacqueline Agius (ACT Work Health and Safety Commissioner).

Secretariat:

Ellen Lukins, Jess O'Neil, and Angeline Kelly (Work Safety Group, Office of Industrial Relations and Workforce Strategy).

Presenters:

Jessie Atkins (Education Directorate) – (*present only for the Education Directorate presentation at Item 19/2.1).*

Additional attendees (observers):

Rebecca Parton (Work Safety Group, Office of Industrial Relations and Workforce Strategy) (*present only for the Education Directorate presentation at Item 19/2.1),* and Bill Smith (Office of the ACT Work Health and Safety Commissioner).

ITEM NO.	ITEM	OUTCOMES/ACTION ITEMS
Out of scope		
19/1.5	Correspondence	Members noted: a) Council's letter to the Minister dated 30 July 2024 re: sexual based WHS complaints, b) the letter to Council from the Minister for Industrial Relations and Workplace Safety dated 31 July 2024 re: workplace culture at WorkSafe ACT; and c) letter from the Chair in reply to the Minister dated 14 August 2024 re: workplace culture at WorkSafe ACT indicating the request would be discussed at meeting 19 on 22 August 2024. Members noted agenda item 6.1 was responsive to the letter to Council from the Minister regarding workplace culture at WorkSafe ACT.
19/2	**PRESENTATION**	
Out of scope		

Out of scope

Out of scope

19/6	BUSINESS ARISING	
19/6.1	Letter to Council from the Minister dated 31 July 2024 re: workplace culture at WorkSafe ACT	Two Members raised potential interests for disclosure in relation to agenda item 6.1: • Maddy Northam advised Members that she was a CPSU official, noting references in the media to the CPSU and claims made by it in relation to workplace culture at WorkSafe ACT • Kasey Tomkins advised Members that as a UnionsACT official, UnionsACT receives fees from member organisations including the CPSU. Members considered disclosures made and whether or not they met the threshold of a 'material interest' enlivening the legislative process for disclosures under schedule 2, section 2.7 of the *Work Health and Safety Act 2011* (WHS Act). Members agreed neither interest disclosed was a material interest and therefore did not require further action under the WHS Act. Members noted their roles in representing the interests of employees and employers on the Council. Members noted that the potential for material interests to arise during discussion would be monitored. Members noted that it was not possible to determine if the threshold for recommending an independent review had been reached without conducting an independent review, a function that Members considered did not sit within the remit of the Council. Given the claims raised publicly, Members agreed that some action by the Minister is necessary, in discussion with the work safety regulator, to address public assurance about the governance and regulatory activities carried out by WorkSafe ACT. This may, or may not, include an independent review. Members noted that the media attention on WorkSafe ACT's culture may cause some stress to staff at WorkSafe ACT and appropriate supports should be provided during this period. **ACTION ITEM 2:** Secretariat to circulate by 29 August 2024 draft content for a response to the Minister's letter of 31 July 2024 regarding workplace culture at WorkSafe ACT for comment by Council Members (except the WHS Commissioner) by 5 September 2024.
2:36pm – 2:45pm BREAK		

FOR ENDORSEMENT

19/6.2	Consultation re: Ministerial Statement of Expectations for 2024 for WorkSafe ACT	Consultation was undertaken with Council Members to consider items for priority activities and initiatives for inclusion in the 2024-25 statement of expectations for the ACT's work safety regulator issued annually by the Minister. Members were advised that the timing of the ACT Election may impact when the next statement is made. Members discussed present and emerging issues, concluding that the current outlined priority activities and initiatives remain appropriate. Members also raised the following areas for consideration: • ongoing issue of safety regarding occupational violence in front facing/public facing systems, e.g. health, transport, and education. Similar language used in last year's statement on improving safety culture in the construction industry could be used as a basis • WHS hazards and risks to workers that engage regularly with vulnerable populations, and • fatigue risk management, including the health risks to workers of fatigue as well as safety risks caused by fatigue. Members were advised of national work already underway to develop a code of practice to assist PCBUs in managing fatigue risks at work. Members were thanked for their comments and input. Once discussion on this item ended, Ellen Lukins advised Jacqueline Agius and Bill Smith to re-enter the meeting.

Out of scope

Out of scope

WORK HEALTH AND SAFETY COUNCIL

ACT Government

Action Items - WHS Council Meetings

Out of scope

Action Item 2	Secretariat to circulate by 29 August 2024 draft content for a response to the Minister's letter of 31 July 2024 regarding workplace culture at WorkSafe ACT for comment by Council Members (except the WHS Commissioner) by 5 September 2024.	Secretariat	**Complete** – Letter emailed to members on 29 August 2024, amended with member feedback and emailed to the former Minister on 12 September 2024.
Meeting 18: 16 May 2024			

Out of scope

WORK HEALTH AND SAFETY COUNCIL

ACT Government

Agenda Item 1.5

For noting

Correspondence

Prepared by Stakeholder Engagement & Governance, Policy Branch, Work Safety Group

Resolution:

Members **note** the following correspondence received/sent:

Out of scope

- a letter from the Chair sent to the former Minister, endorsed by Council Members out of session, in relation to workplace culture at WorkSafe ACT; and

Out of scope

Out of scope

WorkSafe ACT culture and performance oversight

On 31 July 2024, the former Minister for Industrial Relations and Workplace Safety wrote to the Chair of the WHS Council in relation to workplace culture at WorkSafe ACT (refer Agenda item 1.5 of Meeting 19). A noting/acknowledgement response from the Chair was sent to the Minister on 14 August 2024 with the matter scheduled for discussion at Meeting 19 held on 22 August 2024.

Following the agreement of Members, a response from the Chair on behalf of the Council was sent to the former Minister on 12 September 2024 responding to the July 2024 letter from the Minister.

Out of scope

Attachments

Out of scope

ACT Government

Mick Gentleman MLA
Manager of Government Business
Minister for Business
Minister for Fire and Emergency Services
Minister for Industrial Relations and Workplace Safety
Minister for Multicultural Affairs
Minister for Police and Crime Prevention

Member for Brindabella

Mr Michael Hiscox
Chair
ACT Work Health and Safety Council
Via email: ACTWorkHealthandSafetyCouncil.Secretariat@act.gov.au

Dear Chair Michael

Thank you for your letter of 30 July 2024 about workplace sexual or gender-based complainants and the treatment of identifying information in legal proceedings.

I support the consideration of measures to reduce reporting barries for victims of sexual or gender-based offences.

Reducing such barriers would support the operation and effectiveness of recent legislative changes that deal expressly with psychosocial hazards at work, including sexual and gender based violence offences.

I have tasked my directorate to urgently explore possible legislative mechanisms, in consultation with the Justice and Community Safety Directorate. While working constructively to address the issues that have been raised by Council at the earliest opportunity, I note there may be some constraints on the current Cabinet and Assembly agenda.

The directorate contact for this matter is Ellen Lukins, Executive Branch Manager who is available to discuss the progress of this issue. Ms Lukins can be contact on 02 620 53874 or at ellen.lukins@act.gov.au.

Thank you for your advice on this important issue.

Yours sincerely

Mick Gentleman MLA
Minister for Industrial Relations and Workplace Safety
22/8/2024

ACT Legislative Assembly London Circuit, GPO Box 1020, Canberra ACT 2601
+61 2 6205 0218 gentleman@act.gov.au
@GENTLEMANMick MickGentleman mick.gentleman

Out of scope

Out of scope

OFFICIAL SENSITIVE

ACT Government

MINISTERIAL BRIEF

Chief Minister, Treasury and Economic Development Directorate

To:	Minister for Skills, Training and Industrial Relations	**Tracking No.: CMTEDD2024/5152**
Date:	18/12/2024	
From:	Executive Group Manager, Work Safety Group	
Subject:	Response to WorkSafe ACT culture concerns	
Critical Date:	10/01/2025	
Critical Reason:	For information in response to concerns raised by the Work Safety Council	

Recommendations

That you:

1. **note** WorkSafe ACT's participation in the whole of government psychosocial safety climate survey (PSC-12) to identify robust predictors of psychosocial safety in workplaces; and

Noted / Please Discuss

2. **note** the planned activities in 2025 for continued understanding, identification and action to mitigate any potential psychosocial risk factors in WorkSafe ACT, including ongoing support and accountability for 12 months following the survey.

Noted / Please Discuss

Michael Pettersson MLA ..... MP 8/1/25

Minister's Office Feedback

Background

1. In mid-2024, local media reported current and past allegations raised by the CPSU and former and current WorkSafe ACT employees of bullying, inadequate training and support, and a negative workplace culture under the leadership of the Work Health and Safety Commissioner.

Issues

Work Health and Safety Council response

2. In response to a letter from your predecessor to the Work Health and Safety Council requesting the Council to consider and provide advice in relation to this matter, the Council considered the issues raised at meeting 19 held on 22 August 2024.

3. The Council wrote providing its advice to your predecessor on 12 September 2024, with the consideration of this advice now resting with you as Minister for Skills, Training and Industrial Relations.

4. In considering the matter, the Council was generally uneasy about inquiring into matters thought to be the role of an independent reviewer and did not consider themselves equipped with the necessary information to determine the veracity of any claims about a possible poor workplace culture at WorkSafe ACT.

5. As such, the form of any response was left to you as Minister to decide.

6. Aware of the claims being made however, the Council did consider that a transparent response was required both to preserve the regulator's reputation and maintain community and staff confidence.

7. Since then, the Work Health and Safety (WHS) Commissioner has agreed for WorkSafe ACT to participate in the ACT public sector (ACTPS) psychosocial safety climate survey. An approach that is particularly recognised for organisations looking to actively identify and improve known predictors of psychosocial safety associated with workplace climate, leadership and worker participation in matters about their safety.

Psychosocial Safety Climate Survey and participation

8. In late 2024, Work Safety Group conducted a validated whole of government survey (the Psychosocial Safety Climate survey or PSC-12) to measure lead indicator factors that robustly predict psychosocial safety across ACTPS workplaces.

9. This activity is part of a suite of work being led to support the Head of Service and Directors General to meet their due diligence obligations by providing them with data to assist them to understand their psychosocial risk profile, to inform preventative programs and activities, and to upskill the understanding of psychosocial safety more generally across the Service.

10. Work Safety Group invited the WHS Commissioner to agree to a WorkSafe ACT agency level analysis and reporting which would provide an opportunity to receive a WorkSafe ACT specific report that identifies the psychosocial safety climate of the agency.

11. The Commissioner agreed to this arrangement and actively promoted and encouraged staff to participate.

Continued improvement, planning and action

12. The survey results are currently being analysed by the Centre for Workplace Excellence at the University of South Australia (UniSA), who led the administration of the PSC-12 to the ACTPS. Preliminary findings are expected in late January 2025.

13. In February 2025, the WHS Commissioner and Deputy Commissioner of WorkSafe ACT will be invited along with Directors General and Deputy Directors General to attend a face-to-face briefing with experts from UniSA to be provided with their survey results, understand what these mean for their directorate and leadership, and consider what is required to improve psychosocial safety climate in their workplaces.

14. Following this, in March 2025, senior executives from WorkSafe ACT will also participate in workshops with UniSA to develop a tailored action plan that clearly articulates material and achievable actions to improve psychosocial safety climate, in consultation with their workers. Workshops will be facilitated to support peer learning, shared opportunities to address actions together, and continue to improve capability in leading psychosocial risk management.

15. Ongoing accountability, learning and capability building for executives will be supported by 12 months of monthly Community of Practice meetings led by UniSA, to continue to monitor progress, troubleshoot difficulties, and determine solutions for continuing to identify opportunities to enhance psychosocial safety climate.

16. This process broadly follows the structure of a successful program piloted by Comcare in 2019-2020, with 88% of participating groups significantly improving the psychosocial safety climate of their workgroup by the end of the trial and 90% of leaders identifying that their understanding of psychosocial safety had improved.

Financial Implications

17. Delivery of the PSC-12 survey, workshops and the monthly Community of Practice is funded by Work Safety Group, OIRWS.

Consultation

Internal

18. Consultation occurred within Work Safety Group and across the Office of Industrial Relations and Workforce Strategy to understand the approach being taken and any interactions or distinctions between other pieces of work underway.

Cross Directorate

19. Consultation on the PSC-12 approach was undertaken with a range of directorate representatives such as the WHS Leads, the Chief Operations Officer Group, and Strategic Board.

External

20. Unions were advised by Work Safety Group of the proposed PSC-12 approach, including being informed once the survey went live, and encouraged to support member participation in the activity.

Work Health and Safety

21. The PSC-12 activity is designed to support Directors General and equivalent senior executive, such as the WHS Commissioner with information and understanding to support them to meet their due diligence obligations.

Benefits/Sensitivities

22. The PSC-12 process provides an opportunity for the first lead indicator (predictive) assessment of known psychosocial safety outcomes in workplaces, to inform Directors General and equivalent executive of psychosocial safety risks in their workforce.

Communications, media and engagement implications

23. WorkSafe ACT will be supported by Work Safety Group to participate in the results briefing, workshop and community of practice to ensure results are well understood, a plan to address areas of concern is in place, and ongoing monitoring and accountability of results occurs. This approach will position WorkSafe ACT to respond and address any potential media interest, should this eventuate.

Signatory Name:	Michael Young	Phone:	6205 3095
Action Officer:	Rebecca Parton	Phone:	6205 9482

From: ACTWorkHealthandSafetyCouncil.Secretariat
To: Falzon, Gabriela; Gibney, Teo; Sullivan, Rebecca J
Subject: FW: Agenda papers and meeting attendance: WHS Council Meeting19 - 22 August 2024
Date: Tuesday, 20 August 2024 9:59:00 AM
Attachments: image001.jpg
Agenda and Papers - WHS Council Meeting 19 - 22 August 2024.pdf

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FYI

Rebecca Sullivan | Director
Workplace Legislation and Policy
(02) 620 58353 Sch 2.2(a)(ii) | rebeccaj.sullivan@act.gov.au
Work Safety Group | Office of Industrial Relations & Workforce Strategy
Chief Minister, Treasury and Economic Development Directorate | ACT Government

From: Kelly, Angeline **On Behalf Of** ACTWorkHealthandSafetyCouncil.Secretariat
Sent: Friday, August 16, 2024 4:29 PM

Sch 2.2(a)(ii)

Cc: Lukins, Ellen ; ONeill, JessA ; Kelly, Angeline ; ACTWorkHealthandSafetyCouncil.Secretariat
Subject: Agenda papers and meeting attendance: WHS Council Meeting19 - 22 August 2024

OFFICIAL

Good afternoon Members
Please see attached Agenda and papers for meeting 19 of the WHS Council on 22 August 2024.
Please note:

out of scope

- Item 6.1 is **confidential for *members only*, do not distribute this package further**.

Acting members will only be provided with a copy of the package if they are attending the meeting as proxy.
If you could please confirm **by COB Tuesday 20 August 2024** if you will be attending the meeting in person or virtually by contacting the Secretariat via the mailbox:
ACTWorkHealthandSafetyCouncil.Secretariat@act.gov.au
Thank you for your patience.
Kind regards,

Angeline Kelly | Policy Officer
Stakeholder Engagement & Governance
Angeline.Kelly@act.gov.au | **(02) 620 75518**
Work Safety Group | Office of Industrial Relations & Workforce Strategy
Chief Minister, Treasury and Economic Development Directorate | ACT Government

From: Howse, Isabelle on behalf of CMTEDD, Public Service and Industrial Relations DLO
To: CMTEDD, DDG Office OIRWS
Cc: CMTEDD, Public Service and Industrial Relations DLO
Subject: FW: Conflict of interest declaration
Date: Wednesday, 1 October 2025 9:02:07 PM
Attachments: COI - 30 September 25.docx
image001.png
image002.jpg
image003.png
image004.png
image005.png

Hi Liza,
See attached a conflict-of-interest form from the WHS Commissioner.
Could OIRWS please provide some advice on this one before Minister Pettersson signs?
Kind regards,

Isabelle Howse | Directorate Liaison Officer – Chief Minister
Phone: MS Teams | Email: CMCDDLO@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601| www.act.gov.au

Image

From: Griffin, Daniel
Sent: Tuesday, 30 September 2025 2:05 PM
To: CMTEDD, Public Service and Industrial Relations DLO
Cc: Murdoch, Max
Subject: Fw: Conflict of interest declaration

OFFICIAL: Sensitive - Personal Privacy

Good Afternoon Sarah!
Can the attached please be shared with OIRWS and advice prepared for the Minister to complete this conflict-of-interest declaration?
Thanks,
Dan

Daniel Griffin
Advisor | Skills, Training and Industrial Relations
Office of Michael Pettersson MLA

Member for Yerrabi

Minister for Business, Arts and Creative Industries

Minister for Children, Youth and Families

Minister for Multicultural Affairs

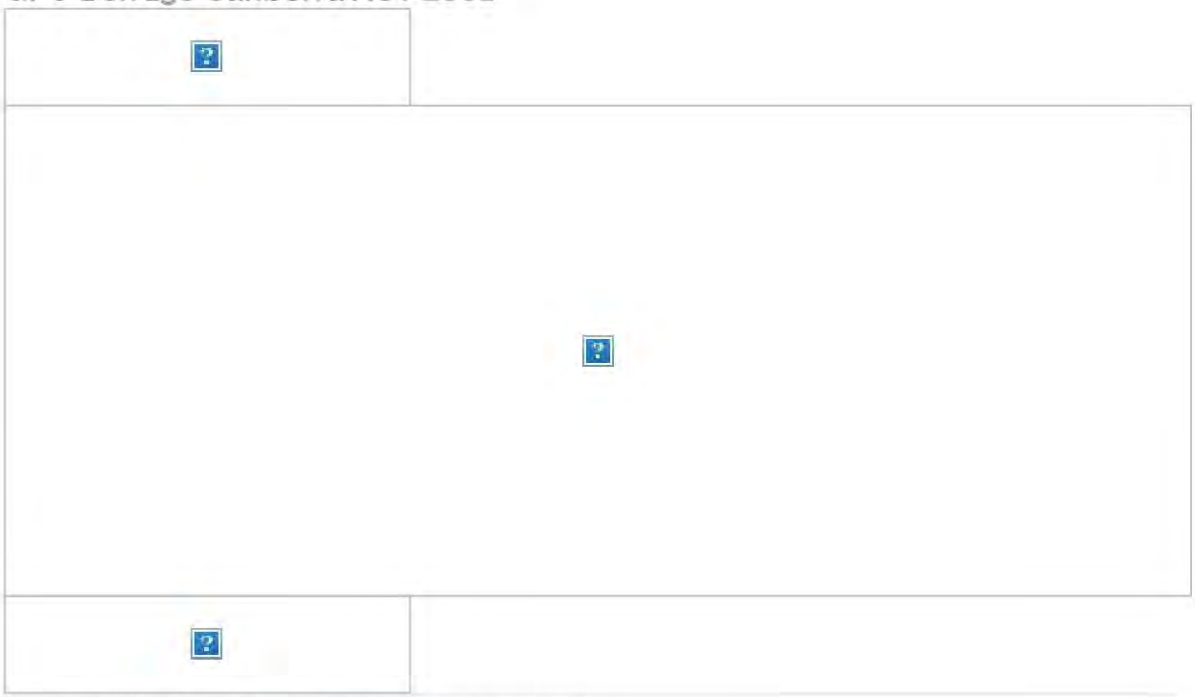
Minister for Skills, Training and Industrial Relations

From: Agius, Jacqueline <Jacqueline.Agius@worksafe.act.gov.au>

Sent: Tuesday, September 30, 2025 1:56 PM
To: Griffin, Daniel <Daniel.Griffin@act.gov.au>
Cc: Cheong, Peggy <Peggy.Cheong@worksafe.act.gov.au>
Subject: RE: Conflict of interest declaration

Oh dear, sorry Dan. It is now attached.

Jacqueline Agius (she/her)
Work Health and Safety Commissioner
Labour Hire Licence Commissioner
Office of the Work Health and Safety Commissioner
GPO Box 158 Canberra ACT 2601



From: Griffin, Daniel <Daniel.Griffin@act.gov.au>
Sent: Tuesday, 30 September 2025 1:55 PM
To: Agius, Jacqueline <Jacqueline.Agius@worksafe.act.gov.au>
Cc: Cheong, Peggy <Peggy.Cheong@worksafe.act.gov.au>
Subject: Re: Conflict of interest declaration

Hey Jacqui,

Just to check, was there meant to be an attachment to this email?

Thanks,

Dan

Daniel Griffin
Advisor | Skills, Training and Industrial Relations
Office of Michael Pettersson MLA

Member for Yerrabi

Minister for Business, Arts and Creative Industries

Minister for Children, Youth and Families

Minister for Multicultural Affairs

Minister for Skills, Training and Industrial Relations

From: Agius, Jacqueline <Jacqueline.Agius@worksafe.act.gov.au>
Sent: Tuesday, September 30, 2025 1:35 PM
To: Griffin, Daniel <Daniel.Griffin@act.gov.au>
Cc: Cheong, Peggy <Peggy.Cheong@worksafe.act.gov.au>
Subject: Conflict of interest declaration

Good afternoon, Dan

I advised the Minister this morning I would be sending across this declaration relating Sch 2.2(a)(ii)

Please let me know if you require any further information.

Kind regards

Jacqueline Agius (she/her)
Work Health and Safety Commissioner
Labour Hire Licence Commissioner
Office of the Work Health and Safety Commissioner
GPO Box 158 Canberra ACT 2601

From: Martiniello, Rebecca on behalf of CMTEDD, EGM WSG Office
To: Lukins, Ellen
Subject: FW: WSG to lead: Ministerial brief required: Conflict of interest declaration
Date: Thursday, 2 October 2025 9:54:27 AM
Attachments: image005.png
image006.png
image007.png
image008.png
image009.jpg
COI - 30 September 25.docx
image001.png
Importance: High

OFFICIAL: Sensitive - Personal Privacy

Hi Ellen,

Does the below sound correct to you?

Kind Regards,

Rebecca Martiniello | Executive Assistant to Michael Young, Executive Group Manager
Phone: (02) 620 50036 | Email: Rebecca.Martiniello@act.gov.au
Work Safety Group | Chief Minister, Treasury & Economic Development Directorate | ACT Government
Level 5, 220 London Circuit | GPO Box 158, Canberra ACT 2601 | www.act.gov.au

Please consider the environment before printing this email. If printing is necessary, print double-sided and black and white.

From: Prowse, Fay <Fay.Prowse@act.gov.au> **On Behalf Of** CMTEDD, Office of the EGM EIR
Sent: Thursday, 2 October 2025 9:30 AM
To: CMTEDD, DDG Office OIRWS <DDGOIRWS@act.gov.au>
Cc: CMTEDD, EGM WSG Office <EGMWSGOffice@act.gov.au>; Allars, Alex <Alex.Allars@act.gov.au>
Subject: WSG to lead: Ministerial brief required: Conflict of interest declaration
Importance: High

OFFICIAL: Sensitive - Personal Privacy

Hi Liza, Alex is in bargaining this morning so I have had a quick word with Emma Matthews who has advised Ellen Lukins should lead this work and that EIRG would provide advice to Ellen if required.

Regards

Fay Prowse
Executive Officer to Alex Allars, A/g EGM Employment and Industrial Relations Group
Office for Industrial Relations and Workforce Strategy
Chief Minister, Treasury and Economic Development Directorate (CMTEDD) | ACT Government
Level 5, 220 London Circuit, Canberra City ACT 2601 | www.act.gov.au
E: fay.prowse@act.gov.au **P**: 02 6205 0358

Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601 | www.act.gov.au

A close-up of a logo AI-generated content may be incorrect.



From: CMTEDD, DDG Office OIRWS <DDGOIRWS@act.gov.au>
Sent: Thursday, 2 October 2025 9:20 AM
To: CMTEDD, Office of the EGM EIR <CMTEDD.OfficeoftheEGMEIR@act.gov.au>; CMTEDD, EGM WSG Office <EGMWSGOffice@act.gov.au>
Cc: CMTEDD, DDG Office OIRWS <DDGOIRWS@act.gov.au>
Subject: Ministerial brief required: Conflict of interest declaration
Importance: High

OFFICIAL: Sensitive - Personal Privacy

Hi Fay/Mikaela,

Confirming this will need a Min Brief.

Grateful if you can let me know who will lead.

Thanks,
Liza

Liza Marando
(Pronounced "Leeza")
Senior Director, Office of the DDG OIRWS
Phone: Teams | Email DDGOIRWS@act.gov.au

From: CMTEDD, DDG Office OIRWS
Sent: Thursday, 2 October 2025 9:03 AM
To: CMTEDD, Office of the EGM EIR <CMTEDD.OfficeoftheEGMEIR@act.gov.au>; CMTEDD, EGM WSG Office <EGMWSGOffice@act.gov.au>
Cc: CMTEDD, DDG Office OIRWS <DDGOIRWS@act.gov.au>
Subject: FW: Conflict of interest declaration

Hi Fay/Mikaela,

Would this be EIRG or WSG to prepare???

I'm just seeking clarification if we need to prepare a Min brief or email advice.

Thanks,
Liza

Liza Marando

(Pronounced "Leeza")
Senior Director, Office of the DDG OIRWS
Phone: Teams | Email DDGOIRWS@act.gov.au

From: Howse, Isabelle <Isabelle.Howse@act.gov.au> **On Behalf Of** CMTEDD, Public Service and Industrial Relations DLO
Sent: Wednesday, 1 October 2025 9:02 PM
To: CMTEDD, DDG Office OIRWS <DDGOIRWS@act.gov.au>
Cc: CMTEDD, Public Service and Industrial Relations DLO <PSIRDLO@act.gov.au>
Subject: FW: Conflict of interest declaration

Hi Liza,

See attached a conflict-of-interest form from the WHS Commissioner.

Could OIRWS please provide some advice on this one before Minister Pettersson signs?

Kind regards,

Isabelle Howse | Directorate Liaison Officer – Chief Minister
Phone: MS Teams | Email: CMCDDLO@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601| www.act.gov.au

Image

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Cc: Murdoch, Max <Max.Murdoch@act.gov.au>
Subject: Fw: Conflict of interest declaration

OFFICIAL: Sensitive - Personal Privacy

Good Afternoon Sarah!

Can the attached please be shared with OIRWS and advice prepared for the Minister to complete this conflict-of-interest declaration?

Thanks,

Dan

Daniel Griffin

Advisor | Skills, Training and Industrial Relations
Office of Michael Pettersson MLA

Member for Yerrabi

Minister for Business, Arts and Creative Industries

Minister for Children, Youth and Families

Minister for Multicultural Affairs

Minister for Skills, Training and Industrial Relations





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To: Griffin, Daniel <Daniel.Griffin@act.gov.au>
Cc: Cheong, Peggy <Peggy.Cheong@worksafe.act.gov.au>
Subject: RE: Conflict of interest declaration

Oh dear, sorry Dan. It is now attached.

Jacqueline Agius (she/her)
Work Health and Safety Commissioner
Labour Hire Licence Commissioner
Office of the Work Health and Safety Commissioner
GPO Box 158 Canberra ACT 2601



From: Griffin, Daniel <Daniel.Griffin@act.gov.au>
Sent: Tuesday, 30 September 2025 1:55 PM
To: Agius, Jacqueline <Jacqueline.Agius@worksafe.act.gov.au>
Cc: Cheong, Peggy <Peggy.Cheong@worksafe.act.gov.au>
Subject: Re: Conflict of interest declaration

Hey Jacqui,

Just to check, was there meant to be an attachment to this email?

Thanks,

Dan

Daniel Griffin
Advisor | Skills, Training and Industrial Relations
Office of Michael Pettersson MLA

Member for Yerrabi

Minister for Business, Arts and Creative Industries

Minister for Children, Youth and Families

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Cc: Cheong, Peggy <Peggy.Cheong@worksafe.act.gov.au>
Subject: Conflict of interest declaration

Good afternoon, Dan

I advised the Minister this morning I would be sending across this declaration relating Sch 2.2(a)(ii)

Please let me know if you require any further information.

Kind regards

Jacqueline Agius (she/her)
Work Health and Safety Commissioner
Labour Hire Licence Commissioner
Office of the Work Health and Safety Commissioner
GPO Box 158 Canberra ACT 2601







From: CMTEDD, DDG Office OIRWS
To: CMTEDD, EGM WSG Office
Cc: Young, Michael; Lukins, Ellen; CMTEDD, DDG Office OIRWS
Subject: Ministerial Brief request: Conflict of interest declaration (WorkSafe ACT Commissioner)
Date: Thursday, 2 October 2025 10:00:05 AM
Attachments: COI - 30 September 25.docx
image001.png
image002.jpg
image003.png
image004.png
image005.png
GOVERNMENT & STAKEHOLDER RELATIONS - Government & Assembly Matters - Conflict of Interest Declaration by WorkSafe ACT Commissioner.tr5

OFFICIAL: Sensitive - Personal Privacy

Hi Mikaela,

Please note the below request from Minister Pettersson's office for a briefing providing him advice regarding the conflict of interest declaration provided by Jacqui Agius (attached).

For WSG to lead with input from EIRG as appropriate.

I have set up a container in TRIM for the brief (also attached).

Thanks,
Liza

Liza Marando
(Pronounced "Leeza")
Senior Director, Office of the DDG OIRWS
Phone: Teams | Email DDGOIRWS@act.gov.au

From: Howse, Isabelle <Isabelle.Howse@act.gov.au> **On Behalf Of** CMTEDD, Public Service and Industrial Relations DLO
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Cc: CMTEDD, Public Service and Industrial Relations DLO <PSIRDLO@act.gov.au>
Subject: FW: Conflict of interest declaration

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Could OIRWS please provide some advice on this one before Minister Pettersson signs?

Kind regards,

Isabelle Howse | Directorate Liaison Officer – Chief Minister
Phone: MS Teams | Email: CMCDDLO@act.gov.au
Chief Minister Treasury and Economic Development Directorate | ACT Government
GPO Box 158, Canberra ACT 2601| www.act.gov.au

Image

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To: CMTEDD, Public Service and Industrial Relations DLO <PSIRDLO@act.gov.au>
Cc: Murdoch, Max <Max.Murdoch@act.gov.au>
Subject: Fw: Conflict of interest declaration

OFFICIAL: Sensitive - Personal Privacy

Good Afternoon Sarah!

Can the attached please be shared with OIRWS and advice prepared for the Minister to complete this conflict-of-interest declaration?

Thanks,

Dan

Daniel Griffin
Advisor | Skills, Training and Industrial Relations
Office of Michael Pettersson MLA

Member for Yerrabi

Minister for Business, Arts and Creative Industries

Minister for Children, Youth and Families

Minister for Multicultural Affairs

Minister for Skills, Training and Industrial Relations

From: Agius, Jacqueline <Jacqueline.Agius@worksafe.act.gov.au>
Sent: Tuesday, September 30, 2025 1:56 PM
To: Griffin, Daniel <Daniel.Griffin@act.gov.au>
Cc: Cheong, Peggy <Peggy.Cheong@worksafe.act.gov.au>
Subject: RE: Conflict of interest declaration

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Jacqueline Agius (she/her)
Work Health and Safety Commissioner
Labour Hire Licence Commissioner
Office of the Work Health and Safety Commissioner
GPO Box 158 Canberra ACT 2601







From: Griffin, Daniel <Daniel.Griffin@act.gov.au>
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To: Agius, Jacqueline <Jacqueline.Agius@worksafe.act.gov.au>
Cc: Cheong, Peggy <Peggy.Cheong@worksafe.act.gov.au>
Subject: Re: Conflict of interest declaration

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Thanks,

Dan

Daniel Griffin
Advisor | Skills, Training and Industrial Relations
Office of Michael Pettersson MLA

Member for Yerrabi

Minister for Business, Arts and Creative Industries

Minister for Children, Youth and Families

Minister for Multicultural Affairs

Minister for Skills, Training and Industrial Relations





From: Agius, Jacqueline <Jacqueline.Agius@worksafe.act.gov.au>
Sent: Tuesday, September 30, 2025 1:35 PM
To: Griffin, Daniel <Daniel.Griffin@act.gov.au>
Cc: Cheong, Peggy <Peggy.Cheong@worksafe.act.gov.au>
Subject: Conflict of interest declaration

Good afternoon, Dan

I advised the Minister this morning I would be sending across this declaration relating

Sch 2.2(a)(ii)

Please let me know if you require any further information.

Kind regards

Jacqueline Agius (she/her)
Work Health and Safety Commissioner
Labour Hire Licence Commissioner
Office of the Work Health and Safety Commissioner
GPO Box 158 Canberra ACT 2601



From: Sch 2.2(a)(ii)
To: Lukins, Ellen
Cc: ACTWorkHealthandSafetyCouncil.Secretariat
Subject: RE: Letter to the Chair of the Work Health and Safety Council
Date: Wednesday, 14 August 2024 7:36:11 AM
Attachments: image001.jpg
image002.png
image003.png
image004.png
image005.png
image006.png
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image008.jpg
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Letter from Chair to Minister Gentleman - worksafe review (004).pdf

OFFICIAL

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.

Thanks, Ellen.
Signed letter attached. I left a message for Greg Harford at his office yesterday morning but haven't heard back yet. If I don't hear from him by today it might be best if secretariat reaches out to him.
Thanks, Michael

Michael Hiscox
ACT Assistant Secretary
7-10/8 Cape Street
Dickson ACT 2602
Sch 2.2(a)(ii)

Construction & General Division
ACT Branch

I acknowledge the traditional Aboriginal owners of country throughout the ACT and pay my respect to them, their culture and their Elders past, present and future.

IMPORTANT:
This email (including any attachments) may contain confidential and/or legally privileged information intended only for the addressee.
If you are not the intended recipient, any use, dissemination, forwarding, printing or copying of this email is strictly prohibited.
If you receive this email by mistake please notify us by return email, delete the email, destroy any printed copy and do not disclose or use its information in any way. We do not waive any confidentiality, privilege or copyright in this email. In order to minimise the risk of fraud, prior to proceeding with any electronic transfer of funds please confirm by telephone the details of any new account we nominate for that purpose.

From: Lukins, Ellen
Sent: Tuesday, August 13, 2024 11:55 AM
To: Michael Hiscox
Cc: ACTWorkHealthandSafetyCouncil.Secretariat
Subject: RE: Letter to the Chair of the Work Health and Safety Council

OFFICIAL

Hi Michael
I'm comfortable the edits are consistent subject to a small tweak to remove 'typically' in relation to the advisory function of the Council (as attached).
Functions to be able to 'inquire and report' to the Minister on matters referred to it are also considered to be advisory in nature, ie the Council is not a decision-making body like a typical governing board.
Let me know if you'd like to discuss.
Cheers,
EL

Ellen Lukins
Executive Branch Manager | Policy Branch
& WHS Council/THI Advisory Committee Secretariat
02 6205 3874 | Sch 2.2(a)(ii) ellen.lukins@act.gov.au
Work Safety Group | Office of Industrial Relations and Workforce Strategy
Chief Minister, Treasury and Economic Development Directorate | ACT Government
I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

****
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From: Michael Hiscox Sch 2.2(a)(ii)
Sent: Tuesday, August 13, 2024 10:33 AM
To: Lukins, Ellen <Ellen.Lukins@act.gov.au>
Cc: ACTWorkHealthandSafetyCouncil.Secretariat <ACTWorkHealthandSafetyCouncil.Secretariat@act.gov.au>; Young, Michael <Michael.Young@act.gov.au>
Subject: RE: Letter to the Chair of the Work Health and Safety Council

OFFICIAL

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I've made a small edit. Is this consistent with the Council's powers under the Act?
Thanks, Michael

Michael Hiscox
ACT Assistant Secretary
7-10/8 Cape Street
Dickson ACT 2602
Sch 2.2(a)(ii)

Construction & General Division
ACT Branch

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prior to proceeding with any electronic transfer of funds please confirm by telephone the details of any new account we nominate for that purpose.

From: Lukins, Ellen <Ellen.Lukins@act.gov.au>
Sent: Monday, August 12, 2024 4:31 PM
To: Michael Hiscox <Sch 2.2(a)(ii)
Cc: ACTWorkHealthandSafetyCouncil.Secretariat <ACTWorkHealthandSafetyCouncil.Secretariat@act.gov.au>; Young, Michael <Michael.Young@act.gov.au>
Subject: RE: Letter to the Chair of the Work Health and Safety Council

OFFICIAL

Thanks Michael, amended and attached for your signature.
Cheers,
Ellen

Ellen Lukins
Executive Branch Manager | Policy Branch
& WHS Council/LHL Advisory Committee Secretariat
02 6205 3874 | Sch 2.2(a)(ii) ellen.lukins@act.gov.au
Work Safety Group | Office of Industrial Relations and Workforce Strategy
Chief Minister, Treasury and Economic Development Directorate | ACT Government
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From: Michael Hiscox Sch 2.2(a)(ii)
Sent: Monday, August 12, 2024 4:27 PM
To: Lukins, Ellen <Ellen.Lukins@act.gov.au>
Cc: ACTWorkHealthandSafetyCouncil.Secretariat <ACTWorkHealthandSafetyCouncil.Secretariat@act.gov.au>; Young, Michael <Michael.Young@act.gov.au>
Subject: RE: Letter to the Chair of the Work Health and Safety Council

OFFICIAL

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Thanks, Ellen.
I think that letter looks good. One suggested edit for para 4 – I think it may be better to remove language reflecting on the nature of the Council. We have the role of providing advice but we also have the role to inquire, which some might describe as an investigation.
Our powers of inquiry though are limited and we do not have the ability to direct the Commissioner. I think clarifying that point will be useful for both the Minister and the Council more generally.
I'll give Greg a call tomorrow.
Thanks, Michael

Michael Hiscox
ACT Acting Secretary

7-10/8 Cape Street
Dickson ACT 2602
Sch 2.2(a)(ii)

Construction & General Division
ACT Branch

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From: Lukins, Ellen <Ellen.Lukins@act.gov.au>
Sent: Monday, August 12, 2024 3:57 PM
To: Michael Hiscox Sch 2.2(a)(ii)
Cc: ACTWorkHealthandSafetyCouncil.Secretariat <ACTWorkHealthandSafetyCouncil.Secretariat@act.gov.au>; Young, Michael <Michael.Young@act.gov.au>
Subject: RE: Letter to the Chair of the Work Health and Safety Council

OFFICIAL

Hi Michael
I have attached Greg's business details below for you:

Greg Harford
Chief Executive, Canberra Business Chamber
Sch 2.2(a)(ii)

Also, a revised reply letter to the Minister is attached for your consideration/signature as requested – it essentially now acknowledges receipt of the letter and that Council will discuss at the 22 Aug meeting.
It maintains the note out of caution regarding the functions of the Council and items that were suggestive of a broader Council view have been removed as these have not yet had the benefit of Council consideration/endorsement.
If you are comfortable with the draft letter please return signed and the Secretariat can send to the Minister.
Happy to discuss
Kind regards,
Ellen

Ellen Lukins
Executive Branch Manager | Policy Branch
& WHS Council/LHL Advisory Committee Secretariat
02 6205 3874 | Sch 2.2(a)(ii) ellen.lukins@act.gov.au
Work Safety Group | Office of Industrial Relations and Workforce Strategy
Chief Minister, Treasury and Economic Development Directorate | ACT Government
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From: Michael Hisco Sch 2.2(a)(ii)

Sent: Monday, August 12, 2024 11:48 AM
To: Lukins, Ellen <Ellen.Lukins@act.gov.au>
Cc: ACTWorkHealthandSafetyCouncil.Secretariat <ACTWorkHealthandSafetyCouncil.Secretariat@act.gov.au>; Young, Michael <Michael.Young@act.gov.au>
Subject: RE: Letter to the Chair of the Work Health and Safety Council

OFFICIAL

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Ok that sounds like a good approach.
Do you have a contact number for Greg?

Michael Hiscox
ACT Acting Secretary

7-10/8 Cape Street
Dickson ACT 2602
Sch 2.2(a)(ii)

Construction & General Division
ACT Branch

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From: Lukins, Ellen <Ellen.Lukins@act.gov.au>
Sent: Friday, August 9, 2024 12:53 PM
To: Michael Hiscox <Sch 2.2(a)(ii)
Cc: ACTWorkHealthandSafetyCouncil.Secretariat <ACTWorkHealthandSafetyCouncil.Secretariat@act.gov.au>; Young, Michael <Michael.Young@act.gov.au>
Subject: RE: Letter to the Chair of the Work Health and Safety Council

OFFICIAL

Hi Michael
Appreciate your quick consideration of the proposed approach discussed.
Yes, that summary is an accurate one, noting that a subsequent meeting would only be necessary were Council members did wish to put issues on the table at the meeting. We'll amend the reply letter and provide for review as requested.
Re the paper the Secretariat will prepare:

- happy to prepare as you've set out, noting any summary will be general and high level given the contents of various media has been highly speculative/not-substantiated, I'd like to include the Council functions in this Aug meeting paper to assist in scope of any discussions at that meeting and as part of this note that matters for discussion would be general (given the functions of the Council) and not specific to individual matters or matters currently before the court
- as issues raised by Council would be discussed at the meeting these would be reflected in the minutes rather than the paper circulated prior.

I would propose the paper be marked expressly as confidential so that it is limited to Members and may not be passed to any other person or organisation per the Operational Guidelines for the Council. As such, we would distribute separately to the usual combined papers so it will not be received by acting Members. This will also facilitate a clear discussion at the meeting before this item is discussed to deal with any actual or potential conflicts.
In terms of the conflict question, this involves a direct or indirect material interest being:

If a material interest is raised, the legislative provisions are activated and remaining voting members must consider and vote (majority of votes required for a decision) on whether the member who raised the interest can remain. If members don't consider it to be a material interest the legislative provisions around voting do not activate.
Members are there being appointed in a personal capacity representing the interests of employers or employees as the case may be. Given this they are not directly representing their organisation.
I would propose though re procedure at the meeting that Maddy (as member) be asked to disclose any (direct or indirect/actual or perceived) interest (given the CPSU references) and that members actively consider materiality/and decide whether it is considered material and/or presence for all/part (eg the discussion but not voting) of the item for probity/governance reasons.
For awareness, I would suggest letting the Deputy Chair (Greg Harford) ahead of the papers being circulated. Noting such conversations, including the contact with Maddy, should make note that confidentiality will be attached to the agenda item restricting it to members only, so should not be publicly discussed or shared further within their organisation.
We will separately discuss with the Commissioner the proposed approach for the meeting ahead of any papers being circulated.
Hope that assists with the questions you had and happy to discuss further if needed.
Kind regards,
Ellen

Ellen Lukins
Executive Branch Manager | Policy Branch
& WHS Council/LHL Advisory Committee Secretariat
02 6205 3874 Sch 2.2(a)(ii) ellen.lukins@act.gov.au
Work Safety Group | Office of Industrial Relations and Workforce Strategy
Chief Minister, Treasury and Economic Development Directorate | ACT Government
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From: Michael Hiscox Sch 2.2(a)(ii)
Sent: Friday, August 9, 2024 11:08 AM
To: Lukins, Ellen <Ellen.Lukins@act.gov.au>; Young, Michael <Michael.Young@act.gov.au>
Cc: ACTWorkHealthandSafetyCouncil.Secretariat <ACTWorkHealthandSafetyCouncil.Secretariat@act.gov.au>
Subject: RE: Letter to the Chair of the Work Health and Safety Council

OFFICIAL

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Hi Ellen, Michael
Thanks for the phone call the other day regarding the best path forward with regard to the Minister's request.
I have considered the advice from the secretariat. I agree with the approach that the secretariat recommended and see it as the most prudent way to ensure the Council can properly consider the matter and provide sound advice to the Minister.
My understanding of this approach is that:

- At the next meeting the Council will consider the issues raised in the Ministers' letter and give Council members the opportunity to raise issues themselves.
- At the following meeting, the Commissioner will have the opportunity to respond to issues raised, outline steps taken to address the issues and outline any additional actions the Commissioner is intending to take.

Is this an accurate summary? If so can you please amend the correspondence I provided to reflect the above approach and send to the Minister's office.
As discussed, I think a brief paper will assist the Council in considering the issues. This should summarise the available media reporting, issues raised by Council members, and the Council's powers/functions under the Act. It might be that the parts of the paper relating to our powers/functions can be left to a subsequent meeting as presumably this would be where a decision would be made regarding whether an independent review should occur.
I would appreciate some advice from secretariat on who should remain in the meeting for consideration of this matter. Presumably the Commissioner should be absent for at least some parts but there may also be other conflicts.
I agree with your suggestion that we should let the Commissioner know this is the approach we are recommending to the Minister. Given the CPSU are mentioned by name, I will also contact Maddy Northam and advise her this is the approach I am recommending. Please let me know if you think any other Council members should be notified prior to the papers being circulated.
Let me know if you would like to discuss further.
Thanks, Michael

Michael Hiscox
ACT Acting Secretary

7-10/8 Cape Street
Dickson ACT 2602
Sch 2.2(a)(ii)

Construction & General Division
ACT Branch

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From: Lukins, Ellen <Ellen.Lukins@act.gov.au>
Sent: Tuesday, August 6, 2024 2:36 PM
To: Michael Hiscox Sch 2.2(a)(ii)
Cc: ACTWorkHealthandSafetyCouncil.Secretariat <ACTWorkHealthandSafetyCouncil.Secretariat@act.gov.au>
Subject: RE: Letter to the Chair of the Work Health and Safety Council

OFFICIAL

Hi Michael
Around 4 works – probably call my mobi Sch 2.2(a)(ii) would be best and can pop on speaker as I'll bring Michael Young along.
Talk then.
Ellen

Ellen Lukins
Executive Branch Manager | Policy Branch
& WHS Council/LHL Advisory Committee Secretariat
02 6205 3874 Sch 2.2(a)(ii) | ellen.lukins@act.gov.au
Work Safety Group | Office of Industrial Relations and Workforce Strategy
Chief Minister, Treasury and Economic Development Directorate | ACT Government
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From: Michael Hiscox <Sch 2.2(a)(ii)
Sent: Tuesday, August 6, 2024 2:32 PM
To: Lukins, Ellen <Ellen.Lukins@act.gov.au>
Cc: ACTWorkHealthandSafetyCouncil.Secretariat <ACTWorkHealthandSafetyCouncil.Secretariat@act.gov.au>
Subject: Re: Letter to the Chair of the Work Health and Safety Council

OFFICIAL

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Ive got a Telehealth appointment at 3 which I assume they wont be on time for. Im catching a flight around 4.30 but if I give you a call at 4 or so would that work?

Michael Hiscox
ACT Assistant Secretary

7-10/8 Cape Street
Dickson ACT 2602
Sch 2.2(a)(ii)

Construction & General Division
ACT Branch

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From: Lukins, Ellen <Ellen.Lukins@act.gov.au>
Sent: Tuesday, August 6, 2024 2:10:05 PM
To: Michael Hiscox Sch 2.2(a)(ii)
Cc: ACTWorkHealthandSafetyCouncil.Secretariat <ACTWorkHealthandSafetyCouncil.Secretariat@act.gov.au>
Subject: RE: Letter to the Chair of the Work Health and Safety Council

OFFICIAL

Hi Michael
Thanks for reaching out on this, since our Chair's pre-briefing with yourself we have had the opportunity to consider – would it be possible to catch up this afternoon and discuss some more – anytime after 3pm is fine for me if you have a preferred time?
Thank you,
Ellen

Ellen Lukins
Executive Branch Manager | Policy Branch
& WHS Council/LHL Advisory Committee Secretariat
02 6205 3874 | Sch 2.2(a)(ii) ellen.lukins@act.gov.au
Work Safety Group | Office of Industrial Relations and Workforce Strategy
Chief Minister, Treasury and Economic Development Directorate | ACT Government
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From: Michael Hisco Sch 2.2(a)(ii)
Sent: Tuesday, August
To: Lukins, Ellen <Ellen.Lukins@act.gov.au>
Cc: ACTWorkHealthandSafetyCouncil.Secretariat <ACTWorkHealthandSafetyCouncil.Secretariat@act.gov.au>
Subject: RE: Letter to the Chair of the Work Health and Safety Council

OFFICIAL

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Hi Ellen
I'm intending to write back to the Minister regarding this request. I'm seeking to get some clarification so as to allow the Council to consider the matter properly.
Can someone from Secretariat review and identify if there are any significant concerns with this correspondence?
Also, I appreciate that some of these issues might put yourself or other WSG employees in an awkward position given you might also have to provide advice to the Minister on how these arrangements work. If you have any concerns about perceptions of conflicts of interest please let me know and I'm happy to correspond with the Minister's office directly rather than seeking advice from WSG.
I'd like to send back later today if possible. Feel free to give me a call if you would prefer to discuss over the phone.
Thanks, Michael

Michael Hiscox
ACT Acting Secretary

7-10/8 Cape Street
Dickson ACT 2602
Sch 2.2(a)(ii)

Construction & General Division
ACT Branch

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From: Lukins, Ellen <Ellen.Lukins@act.gov.au>
Sent: Thursday, August 1, 2024 3:08 PM
To: Michael Hiscox Sch 2.2(a)(ii)
Cc: ACTWorkHealthandSafetyCouncil.Secretariat <ACTWorkHealthandSafetyCouncil.Secretariat@act.gov.au>
Subject: Fw: Letter to the Chair of the Work Health and Safety Council

OFFICIAL

Hi Michael
As discussed at today's meeting - the Secretariat has received this corro (yet to be updated on the draft agenda noting correspondence only received this morning).
We ask that you please treat with sensitivity noting we are still seeking more context at the directorate level and can provide some guidance re functions of the Council in response.
Thank you,
Ellen

Ellen Lukins

Executive Branch Manager | Policy Branch

& WHS Council/LHL Advisory Committee Secretariat

02 6205 3874 Sch 2.2(a)(ii) ellen.lukins@act.gov.au

Work Safety Group | Office of Industrial Relations and Workforce Strategy

Chief Minister, Treasury and Economic Development Directorate | ACT Government

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From: Winn, Sinead <Sinead.Winn@act.gov.au>
Sent: Thursday, August 1, 2024 8:50 AM
To: ACTWorkHealthandSafetyCouncil.Secretariat <ACTWorkHealthandSafetyCouncil.Secretariat@act.gov.au>
Subject: Letter to the Chair of the Work Health and Safety Council

Dear Secretariat

Please find attached correspondence from Minister Gentleman for the consideration of the Chair.

Warm regards

Sinead Winn (she/her)

Adviser – Industrial Relations and Workplace Safety

Office of Minister Mick Gentleman MLA | Member for Brindabella

Minister for Police and Crime Prevention | Minister for Fire and Emergency Services

Minister for Multicultural Affairs | Minister for Industrial Relations and Workplace Safety Minister for Business | Manager for Government Business

E: sinead.winn@act.gov.au | P: Sch 2.2(a)(ii)

ACT Legislative Assembly, 196 London Circuit, Canberra ACT 2601

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Sch 2.2(a)(ii)

Sch 2.2(a)(ii)

WORK HEALTH AND SAFETY COUNCIL

ACT Government

REDACT OUT OF SCOPE MATERIAL

Meeting 19: Thursday, 22 August 2024 (12:30 – 3:30pm)

Venue: Hybrid meeting

Room 0.13, 220 London Circuit; or

Online via Webex

Agenda

ITEM	TIME	TITLE	PRESENTER	TYPE	ACTION
out of scope					
19/1.5	12:42	Correspondence Out of scope b) Letter to Council from Minister (31 July 2024) – re: workplace culture at WorkSafe ACT c) Noting reply letter to Minister (14 August 2024) re: workplace culture at WorkSafe ACT	Chair out of scope	Paper	For noting
19/2	**PRESENTATION**				
out of scope					

19/6	**BUSINESS ARISING**				
19/6.1	1:30	Letter to Council from Minister (31 July 2024) – re: workplace culture at WorkSafe ACT	Ellen Lukins out of scope	Paper	For discussion
19/6.2	1:50	Consultation: Ministerial statement of expectations for 2024 for WorkSafe ACT	Ellen Lukins out of scope	Paper	For discussion
2:00pm 10 MINUTE BREAK					

out of scope

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When it's time, join your Webex meeting here.

Join meeting

More ways to join:

Join from the meeting link

out of scope


out of scope

WORK HEALTH AND SAFETY COUNCIL

ACT Government

Agenda Item 1.5

For noting

Correspondence

Prepared by Stakeholder Engagement & Governance, Policy Branch, Work Safety Group

Resolution:

Members **note** the following correspondence received/sent:

out of scope

- the letter from the Minister to the Chair, WHS Council in relation to workplace culture at WorkSafe ACT (Attachment B) and associated noting reply from the Chair, WHS Council (Attachment C).

out of scope

WorkSafe ACT culture and performance oversight

On 31 July 2024, the Minister for Minister for Industrial Relations and Workplace Safety wrote to the Chair of the WHS Council in relation to workplace culture at WorkSafe ACT, a copy of the letter is provided at Attachment B. A noting response from the Chair was sent to the Minister on 14 August 2024, a copy of this letter is provided at Attachment C.

A discussion paper for this correspondence has been prepared at Item 6.1 on the Agenda.

Attachments

Attachment	Attachment Title
out of scope	
Attachment B	Letter from the Minister – 31 July 2024 – workplace culture at WorkSafe ACT
Attachment C	Reply letter from the Chair – 14 August 2024 – workplace culture at WorkSafe ACT

out of scope

ACT Government

Mick Gentleman MLA
Manager of Government Business
Minister for Business
Minister for Fire and Emergency Services
Minister for Industrial Relations and Workplace Safety
Minister for Multicultural Affairs
Minister for Police and Crime Prevention

Member for Brindabella

Mr Michael Hiscox
Chair
Work Health and Safety Council
Via email: ACTWorkHealthandSafetyCouncil.Secretariat@act.gov.au

Dear Mr Hiscox,

I am writing to you as Chair of the Work Health and Safety Council to provide support for an independent review into workplace culture at the Office of the Work Health and Safety Commissioner (WorkSafe ACT).

As you would be aware, WorkSafe ACT functions as an independent entity to ensure that they would remain unaffected by influence from government agencies and officials that may be regulated by it. In establishing the independence of the Office an additional layer of oversight was afforded to the Work Health and Safety Council, which is further outlined in the Work Health and Safety Act.

I am concerned by the matters raised by current and former WorkSafe employees over the past few weeks, and by the risks similarly identified and raised by the Community and Public Sector Union, including at ACT Labor Conference this past weekend. I would hope that your fellow Council members feel similarly, as we all have a vested interest in ensuring safe and healthy workplace for all Canberrans.

Noting the specificity of independence in the design of WorkSafe ACT, and the additional layer of oversight granted to the Council, I believe that it is in the best interests of the public that the Council, which as you know is comprised of both employer and employee representatives, has the opportunity to discuss recommendations for actions to take regarding these matters.

For this reason, I am writing to suggest that discussion of an independent review be added to the agenda at the next meeting of the Work Health and Safety Council. Should the outcome of this discussion be to pursue an independent review, please know that I would be fully supportive of this endeavour.

Office of Minister Mick Gentleman MLA
6205 0218 | gentleman@act.gov.au

ACT Government

Mick Gentleman MLA
Manager of Government Business
Minister for Business
Minister for Fire and Emergency Services
Minister for Industrial Relations and Workplace Safety
Minister for Multicultural Affairs
Minister for Police and Crime Prevention

Member for Brindabella

Yours sincerely,

Mick Gentleman MLA
31/7/2024

Office of Minister Mick Gentleman MLA
6205 0218 | gentleman@act.gov.au

WORK HEALTH AND SAFETY COUNCIL

ACT Government

Mr Mick Gentleman MLA
Minister for Industrial Relations and Workplace Safety
ACT Legislative Assembly
Via email: GENTLEMAN@act.gov.au

Dear Minister

Thank you for your correspondence of 31 July 2024 regarding workplace culture at the Office of the Work Health and Safety Commissioner (WorkSafe ACT).

I have asked that these issues be added to the agenda for the next meeting of the Work Health and Safety Council (the Council), scheduled to be held on 22 August 2024, to allow Council members the opportunity to raise/articulate any issues regarding the performance of WorkSafe ACT.

As a non-voting member of the Council, the Work Health and Safety Commissioner (the Commissioner) will also have the opportunity to respond and address any concerns raised at a subsequent meeting of the Council.

Out of an abundance of caution, I note the role of the Council under the *Work Health and Safety Act 2011* is advisory. While the Council does have the ability to inquire into matters referred by the Minister, the Council does not have the ability to compel people or to direct the Commissioner.

Thank you for raising these matters for Council's consideration and I look forward to providing the Council's advice in due course.

Yours sincerely

Sch 2.2(a)(ii)

Mr Michael Hiscox
Chair
Work Health and Safety Council
14/08/2024

WORK HEALTH AND SAFETY COUNCIL

ACT Government

Agenda Item 4.1

For noting

Update from Policy Branch, Work Safety Group

Prepared by Policy Branch, Work Safety Group

Resolution:

Members:

- **note** the information provided about the activities of the Policy Branch, Work Safety Group, CMTEDD.

Background

This paper provides the Work Health and Safety (WHS) Council with an overview of the recent activities of the Work Safety Group's Policy Branch.

out of scope

- revocation of the ACT Bullying and harassment code of practice[2] – acknowledging this is now covered under the ACT's Managing the risks of psychosocial hazards at work code of practice

out of scope

out of scope

- developing the government response on WorkSafe ACT's prosecutions review

out of scope

Future work for the Policy Branch is anticipated to include:

out of scope


out of scope

WORK HEALTH AND SAFETY COUNCIL

ACT Government

CONFIDENTIAL – FOR MEMBERS ONLY

Agenda Item 6.1 — For Discussion

WorkSafe ACT culture and performance – recent media attention

Prepared by Policy Branch, Work Safety Group

Resolution:

Members are asked to:

- **note** the letter from the Minister for Industrial Relations and Workplace Safety, Minister Gentleman MLA, dated 31 July 2024 about matters relating to workplace culture and performance at the Office of the Work Health and Safety Commissioner (WorkSafe ACT) (Attachment A)
- **note** the Minister has asked Council members to discuss whether an independent review of workplace culture at WorkSafe ACT be pursued; and
- **consider and discuss** whether Members of the Council wish to raise and if so, document any issues for the consideration of Council members in responding to the Minister's July 2024 letter.

Background

On 31 July 2024 the Minister for Industrial Relations and Workplace Safety, Minister Gentleman MLA wrote to the ACT Work Health and Safety Council requesting that the Council discuss the possibility of an independent review into workplace culture at WorkSafe ACT (Attachment A).

This paper is provided to facilitate discussion of this item at meeting 19 of the Work Health and Safety Council.

Issues

Allegations in media publications about workplace culture at WorkSafe ACT

The July 2024 letter from the Minister follows recent media reports of allegations made by current and former WorkSafe ACT staff about workplace culture at WorkSafe ACT, including references to a letter sent to Government officials from the Community and Public Sector Union (CPSU).

For background, links to the various media publications are provided for Council member's reference:

- https://the-riotact.com/wall-of-silence-from-act-government-worksafe-on-toxic-culture-claims/788058

- https://www.abc.net.au/news/2024-07-05/former-worksafe-act-employee-takes-workplace-regulator-to-court/104046726
- https://the-riotact.com/former-staff-allege-worksafe-purged-experienced-investigators-targeting-toxic-male-culture/789262

Functions of the Council

The Council is established under schedule 2, part 2.1 of the *Work Health and Safety Act 2011* (WHS Act) as a Ministerially appointed advisory body with members representing the interests of employees and employers.

The Council is not a decision-making body and does not hold powers to compel the production of information, documents or persons or the power to give directions, including to WorkSafe ACT or the Work Health and Safety Commissioner.

Relevantly, advisory functions held by the Council under schedule 2, section 2.2 of the WHS Act are in the nature of:

- advising the Minister on work health and safety, workers' compensation and bullying and harassment matters (schedule 2, section 2.2 (1)(a) of the WHS Act),
    - including, but not limited, to the performance of the office of the work health and safety commissioner and the WHS commissioner (schedule 2, section 2.2 (2)(aa) of the WHS Act)
- inquiring and reporting to the Minister on matters referred to the Council in relation to the above matters (schedule 2, section 2.2 (1)(b) of the WHS Act); and
- advising the Minister and the WHS commissioner on any matters arising from the Council's review and consideration of WorkSafe ACT's annual report published each year (schedule 2, section 2.2 (1)(c) of the WHS Act).

The Council may also convene an advisory committee under schedule 2, section 2.16 of the WHS Act to assist in the exercise of its functions, as it sees fit.

Discussion by Council Members

For the purposes of discussion of this item it is noted that Members should refrain from engaging in discussion specific to individuals, individual matters or matters that may currently be before the court.

Council's attention is also drawn to the legislated disclosure of material interests, direct or indirect, under schedule 2, section 2.7 of the WHS Act. Disclosure of any such interests will be expressly called for prior to the discussion of this agenda item.

This agenda item is marked as confidential and, in accordance with clause 8.2 of the Council's Operational and Accountability Guidelines 2019 is to be treated as confidential by Members. Members may not disclose this item or its contents to any other person or organisation.

Next Steps

If the Council does not consider any further action by the Council is appropriate or necessary then no further action is required.

It is noted that the Council would continue to monitor, in line with its legislated functions, the performance of WorkSafe ACT and advise on any matters arising from WorkSafe ACT's annual report.

Should any issues be raised, it is proposed that these be documented and put to the WHS Commissioner, in order that she may provide a response (at the next meeting) for Council to take into account when considering further action.

Attachments

Attachment	Attachment Title
Attachment A	Letter from the Minister for Industrial Relations and Workplace Safety to the Council about WorkSafe ACT culture and psychosocial hazards
Attachment B	Reply letter from the Chair, WHS Council to the Minister – noting would be discussed at the Council's meeting of 22 August 2024

WORK HEALTH AND SAFETY COUNCIL

ACT Government

out of scope

Agenda Item 6.2 — For discussion

Minister's Statement of Expectation 2024-25 for WorkSafe ACT - consultation

Prepared by Stakeholder Engagement and Governance, Policy Branch, Work Safety Group

Resolution:

In undertaking consultation with Members in relation to the next Statement of Expectations to be set by the Minister for Industrial Relations and Workplace Safety for the Office of the Work Health and Safety Commissioner (WorkSafe ACT), Members are asked to:

- **consider and provide** suggestions for priority activities for inclusion in the 2024-25 Statement of Expectations - Office of the Work Health and Safety Commissioner (WorkSafe ACT).

Background

Under schedule 2, section 2.39 (2) of the *Work Health and Safety Act 2011* (the WHS Act), the Minister for Industrial Relations and Workplace Safety is required to make a Statement of Expectations at least once every 12 months setting out the priority activities and initiatives for the Office of the Work Health and Safety Commissioner (WorkSafe ACT).

Relevantly, the Minister must consult with the Work Health and Safety Council (WHS Council) before making the Statement of Expectations which is a notifiable instrument on the Legislation Register.

The Statement of Expectations must not include specific direction about the exercise of a regulatory function under the WHS Act, however it can include general directions about the priority activities and initiatives for WorkSafe ACT, and any information the Minister believes will assist WorkSafe ACT in implementing the Statement of Expectations.

Issues

In November 2023, the Minister for Industrial Relations and Workplace Safety issued the current 2023 Statement of Expectations (Attachment A). The WorkSafe ACT Statement of Operational Intent 2023 was subsequently notified in December 2023 (Attachment B).

In summary, the main priorities of the 2023-24 Statement of Expectation were to:

- address present and emerging WHS risks including:
    - worker fatalities

  - psychosocial hazards in the workplace
  - persons conducting business or undertakings (PCBUs) in supply chains
  - the impacts of climate change in the workplace
  - health and safety of workers in vulnerable populations
  - health and safety impacted by changes in workforce demographic and size; and
  - improving work health and safety in small businesses.
- continued focus on improving the safety culture of the construction industry and on work health and safety compliance within the ACT Government
- continuing to improve the operational effectiveness and increased capability development of WorkSafe ACT
- ensuring the accountability indicators of WorkSafe ACT remain contemporary, linked to outcomes and aligned with the strategic objectives of the regulator; and
- engagement with the WHS Council.

The WHS Council is encouraged to consider the following questions:

- Are there certain priority activities and initiatives from the 2023-24 Statement of Expectations that should be rolled over into the 2024-25 Statement of Expectations?
- Are there new priority activities and initiatives that should be included into the 2024-25 Statement of Expectations?
- Are there other comments or considerations required in the development of the 2024-25 Statement of Expectations?

The information provided by Members of the WHS Council will inform the development of the 2024-25 Statement of Expectations.

Next steps

Once the Statement of Expectations is made it will be notified on the ACT Legislation Register.

Associated with the Statement, schedule 2, section 2.39 (2) of the WHS Act sets out the process for making the Statement of Operational Intent developed by WorkSafe ACT in response. Once made, this will also be available on the ACT Legislation Register.

Attachment

Attachment	Attachment Title
Attachment A	2023 Minister's Statement of Expectations
Attachment B	Statement of Operational Intent 2023 – WorkSafe ACT

Australian Capital Territory

Work Health and Safety (Office of the Work Health and Safety Commissioner) Statement of Expectations 2023

Notifiable instrument NI2023–676

made under the

***Work Health and Safety Act 2011*, Schedule 2, Division 2.2.5, Section 2.39 (Ministerial statement of expectations)**

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1 Name of instrument

This instrument is the *Work Health and Safety (Office of the Work Health and Safety Commissioner) Statement of Expectations 2023*.

2 Commencement

This instrument commences on the day after notification.

3 Statement of Expectations

I make the Statement of Expectations as provided in the Schedule.

4 Consultation

I confirm that the Work Health and Safety Council has been consulted about the priorities and initiatives for the Office of the Work Health and Safety Commissioner in accordance with schedule 2, division 2.2.5, section 2.39 (2) of the *Work Health and Safety Act 2011*.

5 Revocation

This instrument revokes the *Work Health and Safety (Office of the Work Health and Safety Commissioner) Statement of Expectations 2022* [NI2022-504].

Mick Gentleman MLA
Minister for Industrial Relations and Workplace Safety

1 November 2023

ACT Government

Ministerial Statement of Expectations 2023

Office of the Work Health and Safety Commissioner

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Introduction

The Office of the Work Health and Safety Commissioner (WorkSafe ACT) is established under the *Work Health and Safety Act 2011* (the WHS Act) as an independent, prescribed Territory authority headed by the Work Health and Safety Commissioner (WHS Commissioner) who is the Territory's WHS Regulator.

WorkSafe ACT supports the WHS Commissioner in administering the Territory's work, health, and safety related legislation by providing information, advice, and support as well as compliance and enforcement activities.

In accordance with schedule 2, division 2.2.5, section 2.39 of the WHS Act, the Minister for Industrial Relations and Workplace Safety (the Minister) must make a statement to the WHS Commissioner about the priority activities and initiatives for WorkSafe ACT at least once every 12-months.

This statement does not include specific direction about the exercise of a regulatory function under the Act but may include general directions about the priority activities and initiatives for WorkSafe ACT, and any information that the Minister believes will assist with the implementation of the statement.

As required by the Act under section 2.39 (2), the ACT's Work Health and Safety Council (WHS Council) was consulted on the priority activities and initiatives set out in the following *Statement of Expectations 2023* (the Statement) – which repeals the previous *Statement of Expectations 2022* [NI2022-504].

Priority activities and initiatives

Everyone has the right to a safe workplace with fair conditions. Safety is everyone's responsibility and WorkSafe ACT has an integral role in driving an outstanding work safety culture in the ACT through its regulatory compliance and enforcement activities, and advice to government, workers, and employers.

In driving an outstanding safety culture across the ACT, WorkSafe ACT should focus on the expectations outlined in this Statement over the next 12-months. This Statement recognises the significant and ongoing nature of the priorities highlighted in the previous statement and *WorkSafe ACT's 2020-2024 Strategic Plan*.

Industry and community engagement is integral to improving cultural change. Priority initiatives and activities should be planned and implemented taking into consideration the views of ACT workers, trade unions, employers, their representative bodies and the WHS Council.

Present and Emerging Work Health and Safety Risks

Safe Work Australia's *Australian Work Health and Safety (WHS Strategy) 2023-2033* (the Strategy) aims to respond to key WHS challenges and risks across Australia over the next ten-years and sets a unifying national goal to reduce worker fatalities, injuries and illness.

The Territory contributes to outcomes under the national WHS Strategy through the identified National priorities and challenges, those being:

- worker fatalities
- psychosocial hazards in the workplace
- the existence of more complex supply chains
- evolving climate related risks
- health and safety vulnerable populations
- hybrid work arrangements
- health and safety impacted by workforce size changes
- small business.

The ACT Government is committed to achieving a target of zero workplace fatalities and WorkSafe ACT is integral to preventing work related serious injury, disease and fatality.

Targeting attention and activities to those industries with the highest rates of injury and illness, particularly where there is a history of fatality would assist in reducing work related fatality.

WorkSafe ACT should also ensure that the supports available to families in the event of a workplace death or serious injury continue to meet community expectations and deliver better outcomes for families impacted by workplace deaths or serious workplace injuries.

In September 2023, the ACT Government strengthened the Territory's work health and safety laws to better protect workers from workplace psychosocial hazards by releasing a new *ACT Managing Psychosocial Hazards at Work Code of Practice* and associated Regulation amendments, which commence on 27 November 2023.

WorkSafe ACT should continue its work in this important area and continue to influence improvements in the mental health of Canberrans through education, and compliance and enforcement.

Work related violence, sexual harassment and sexual assault are hazards which should be appropriately risk managed to ensure the health and safety of working people. The recommendations of the Work Health and Safety Council's Preventing and Managing Work-Related Violence Report, through its Work-Related Violence Advisory Committee, is acknowledged as is the ongoing national focus on these issues. WorkSafe ACT should prioritise educating workplace participants of their obligations and ensuring compliance with these obligations.

Persons Conducting a Business or Undertaking (PCBUs) have an important role in ensuring workplaces are safe, particularly within a supply chain in an organisation. The WHS Act imposes health and safety duties on all PCBUs in the Territory, as well as duties to their officers and workers. All PCBUs are required to be aware of their health and safety duties under the WHS Act, and are responsible for the elimination of risks and hazards that might contribute to unsafe workplaces.

The scope of global supply chains is increasing. This is associated with increasing consumer demand for a wider array of goods and influenced by recovery from unprecedented pressures from COVID-19 on supply chains. With broadening scope and more participants within global supply chains, PCBUs must consider WHS risks more systematically and ensure there is clarity in relation to their WHS duties and responsibility.

WorkSafe ACT should prioritise raising awareness of PCBUs of their duties under the WHS Act in these respects.

A warming planet and changing environment means that our physical worksites are also changing. Extreme temperatures, unpredictable weather and natural disasters are all having an impact on working conditions. Changing work environments in turn bring new risks to the health and safety of workers across the ACT requiring a regulatory response.

The recent updates to guidance materials by WorkSafe ACT on the impacts of climate change in the workplace is acknowledged.

WorkSafe ACT should continue its work in this area, including promoting awareness of climate change impacts on the workplace and maintaining guidance materials to improve industry capability to manage these issues in the workplace.

Health and safety of workers in vulnerable populations

PCBUs must consider the needs of all workers in designing safe work systems. Some factors known to impact workers' WHS vulnerability include being younger, being from a culturally and linguistically diverse (CALD) background and working alone or in isolation. One size fits all communication approaches and generic WHS practices can expose workers to limited WHS capability development and greater workplace risks.

WorkSafe ACT should continue to support stakeholders and PCBUs to engage in WHS communication and practices that promote WHS knowledge and understanding in and of all worker populations.

Hybrid work arrangements

The COVID-19 pandemic sparked a shift to working from home and more flexible working arrangements across a range of occupations. Hybrid work models may change or create new WHS risks, including psychosocial risks, that PCBUs need to manage.

WorkSafe ACT should continue its work in this area, including promoting awareness of safe hybrid work practices and potential risks and impacts on workers.

Health and safety impacted by workforce demographic and size changes

It is recognised that workplaces may be affected by changes in workforce demographics, size and staffing shortages that can adversely impact worker health and safety. In particular, psychosocial hazards such as low staffing levels contribute to hazards such as poor workplace support and violence and aggression in the workplace. Workforce size/shortages have an acute impact of safety particularly in service areas that must continue operating, which in turn places a greater importance on upstream design of work and systems of work to manage these risks to effectively manage hazards in the workplace, not limited to psychosocial hazards.

WorkSafe ACT should continue to support stakeholders and PCBUs to engage in WHS practices that address health and safety where there are ongoing workforce shortages, particularly in service sectors.

Small business – improving work health and safety

Small businesses frequently have fewer resources to dedicate to understanding WHS requirements and obligations than larger ones.

WorkSafe ACT should provide tailored and targeted materials and information that better support small business in achieving health and safety outcomes and building working environments with a positive safety culture. This would complement work already done by the regulator in supporting small businesses in understanding their health and safety duties when employing young workers.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Priority industries

In the national WHS Strategy, the construction industry and public administration industry are both highlighted as high-risk industries. These industries are also priorities in the ACT.

The ACT construction industry continues to experience a higher frequency rate of serious injury claims than the national average, an upward trend comparative to previous years which is consistent with the national trend.

The ACT public administration industry continues to experience a frequency rate of serious claims marginally below the national average, however risk levels should be improved.

These frequency rates are considered to be a good general indication of WHS trends.

Construction Industry

The construction industry is consistently one of the highest risk industries nationally and in the ACT. WorkSafe ACT should maintain its strong and ongoing focus on construction industry safety standards and compliance across residential, commercial and civil construction sectors.

WHS compliance within ACT Government

It is important that ACT Government directorates and agencies lead by example in meeting their duties and obligations under the WHS Act.

WorkSafe ACT should focus on facilitating WHS compliance within the ACT Government utilising appropriate and proportionate education, awareness, compliance and enforcement activities.

Operation and performance of WorkSafe ACT

Operation

Effective compliance and enforcement play a critical role in promoting compliance with work injury and safety laws, as well as embedding good WHS practices in all work across all industries.

WorkSafe ACT should remain focused on ensuring its governance and operations remain contemporary and are effective. WorkSafe ACT should continue to ensure that recent improvements to WorkSafe's operations, particularly capability development, are fully realised and effective.

WorkSafe ACT should be a source of trusted and expert information on compliance with WHS and workers' compensation obligations.

Importantly, stakeholders should be able to access information across all of the areas WorkSafe ACT regulates, including WHS, workers' compensation, hazardous substances, dangerous goods, licensing, and workplace privacy.

Stakeholders expect to be able to engage with WorkSafe ACT using digital platforms that are accessible by all devices. WorkSafe ACT should also be in a position to capture and analyse data to inform compliance and enforcement activity.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Performance

WorkSafe ACT should ensure that its accountability indicators remain contemporary, are linked to outcomes and align with the strategic objectives of the regulator. In particular, the accountability indicators should align with a strong community and workplace presence of the regulator, an awareness of the regulator and demonstrate the regulator's capability building investments.

Engagement and reporting

Engagement with the WHS Council

The WHS Council plays an important role in advising the Minister and Government on matters relating to WHS in the ACT. The Work Health and Safety Commissioner is an ex-officio member of the WHS Council and should ensure WorkSafe ACT's activities are responsive to issues identified by employee and employer representatives in the Territory.

Reporting against the Statement of Expectations 2023

In line with schedule 2, section 2.41 (2) (c) of the WHS Act, WorkSafe ACT should report on its approach to implementing the priority activities and initiatives set out in this Statement within its Annual Report.

Australian Capital Territory

Work Health and Safety (Office of the Work Health and Safety Commissioner) Statement of Operational Intent 2023

Notifiable instrument NI2023-851

made under the

***Work Health and Safety Act 2011*, Schedule 2, Division 2.2.5, Section 2.40 (Statement of operational intent)**

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1 Name of instrument

This instrument is the *Work Health and Safety (Office of the Work Health and Safety Commissioner) Statement of Operational Intent 2023*.

2 Commencement

This instrument commences on the day after notification.

3 Approval – Schedule 2, section 2.40 (2)

I approve the attached Statement of Operational Intent for the Office of the Work Health and Safety Commissioner.

4 Revocation

This instrument revokes the *Work Health and Safety (Office of the Work Health and Safety Commissioner) Statement of Operational Intent 2022 [NI2022-625]*.

Mick Gentleman

Minister for Industrial Relations and Workplace Safety

21 December 2023

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

WORKSAFE ACT SAFE + HEALTHY WORKPLACES

Mick Gentleman MLA
Minister for Industrial Relations and Workplace Safety

Email: Mick.Gentleman@act.gov.au

Dear Minister Gentleman

Thank you for your letter dated 6 November 2023. I acknowledge receipt of the Ministerial Statement of Expectations in which you outlined the priorities, activities and initiatives expected of WorkSafe ACT over the next 12 months. As prescribed under Schedule 2, section 2.40 of the *Work Health and Safety Act 2011* (WHS Act), this response is the Office of the Work Health and Safety Commissioner's (WorkSafe ACT) Statement of Operational Intent 2024.

As the regulator for work health and safety (WHS), workers' compensation and labour hire in the Territory, I reconfirm WorkSafe ACT's continued commitment to ensuring the health, safety, and wellbeing of all workers in the ACT. As with the previous two years, this commitment is outlined in the WorkSafe ACT *Strategic Plan 2020-2024*.

WorkSafe ACT is an intelligence-led organisation, drawing on a combination of data analysis, intelligence and information gathered through working with industry, unions, duty holders, workers, and the broader Canberra community. This allows us to identify emerging trends and informs and shapes WorkSafe ACT's priorities for the coming year.

WorkSafe ACT is driven by four high-level strategies that underpin our activities and helps us to deliver measurable outcomes for the Territory:

1. ensuring fair and firm enforcement against non-compliance
2. minimising physical and psychological harm and improving WHS practices and culture
3. engaging with stakeholders to better understand and respond to current and emerging WHS issues, and
4. creating an exemplary regulator.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Your *Statement of Expectations 2024*, notified on 6 November 2023, and developed in consultation with the ACT Work Health and Safety Council (the WHS Council), describes priority activities and initiatives for WorkSafe ACT to action. In summary these are:

- addressing present and emerging WHS risks, including:
    - worker fatalities
    - psychosocial hazards in the workplace
    - the existence of more complex supply chains
    - impacts of climate change in the workplace
    - health and safety in vulnerable populations
    - hybrid work arrangements
    - workforce demographic and size changes, and
    - small businesses
- a strong and ongoing focus on construction industry safety standards and compliance in residential, civil and commercial sectors
- continuing focus on the ACT public administration industry to support compliance
- facilitating WHS compliance within the ACT Government utilising appropriate and proportionate education, awareness, compliance and enforcement activities
- a continued focus on ensuring WorkSafe ACT:
    - has contemporary and effective governance and operations
    - is a source of trusted and expert information on compliance with WHS and workers' compensation obligations
    - provides access to information across all of the areas of WorkSafe ACT's regulatory responsibility, including WHS, workers' compensation, hazardous substances, dangerous goods, labour hire licensing, and workplace privacy
    - has contemporary accountability indicators linked to outcomes that align with strategic objectives, and
    - has ongoing engagement with the WHS Council.

Consequently, WorkSafe ACT's focus areas for 2024 include:

Reducing worker fatalities

WorkSafe ACT will target industries with the highest rates of serious injuries, particularly for workplaces where there is a repeated history of failure to manage WHS risks Proactive and responsive activities will focus on strong regulatory enforcement to prevent worker fatalities in the high risk sectors, including construction.

In 2023, WorkSafe ACT agreed to the implementation of all recommendations falling within the scope of WorkSafe ACT following the *Conduct of Work Health and Safety Prosecutions Review* undertaken by Marie Boland. WorkSafe ACT will work with the ACT Government to progress these recommendations.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

WorkSafe ACT will continue our important work supporting the families who have been impacted by a workplace death or serious injury with a focus on improved access to information and service delivery.

Addressing psychosocial hazards in the workplace

In 2024, WorkSafe ACT will continue to promote and enforce compliance with the work health and safety requirements for managing psychosocial hazards. New regulations came into effect in 2023, supported by the *Code of Practice for Managing Psychosocial Hazards at Work*.

WorkSafe ACT will continue to support workplaces in the Territory to understand and carry out their duties to effectively manage psychosocial hazards. Some of these activities will include:

- increasing awareness of existing psychosocial resources through targeted communication
- increased numbers of psychosocial proactive workplace visits
- developing additional resources for employers and workers to assist with improving psychosocial hazard identification and management
- improved capability for WorkSafe ACT Inspectors to target psychosocial hazards at workplace inspections, and
- developing and fostering relationships with general and industry-specific subject matter experts.

WorkSafe ACT will also continue work to reduce the prevalence of work-related sexual harassment and work-related violence in the ACT, while encouraging reporting of incidents. The work-related sexual harassment awareness campaign will continue in 2024, with new resources developed to support workplaces to identify and manage these risks.

Complex supply chains

WorkSafe ACT expects that commercial relationships within supply chains should be used to improve WHS outcomes and ensure a strong safety culture.

Many small businesses operate at the bottom of supply chains and the resulting contractual arrangements play a pivotal role in affecting working conditions. There is an opportunity in the ACT to establish and reinforce the expectation that large businesses should either develop, or share, safety systems with small businesses who operate within their supply chain/s.

In 2023, WorkSafe ACT established a new team to concentrate on civil construction projects (e.g. light rail from Civic to Woden). This work will continue into 2024, using stakeholder engagement to promote resources and provide information to duty holders to ensure they understand their responsibilities when operating in a supply chain.

Targeted compliance and enforcement activities will remain a focus in 2024 to ensure there are safe systems in place encompassing all supply chain sub-contractors.

WorkSafe ACT will actively work with other regulators and Safe Work Australia to leverage existing resources and make this material readily available and applicable in the ACT.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Work-related impacts of climate change

Given the ever-changing nature and impacts of climate change, WorkSafe ACT will continue work to promote awareness of climate change and its effect on workplace health and safety.

Existing guidance material will be maintained and promoted. WorkSafe ACT will continue to monitor changes in the ACT that are a result of climate change and update guidance as required.

Health and safety of workers in vulnerable populations

WorkSafe ACT understand the importance of supporting young and vulnerable workers in the ACT. Several initiatives implemented in 2023 to support young and vulnerable workers, including forming a dedicated vulnerable workers inspectorate team and engaging a Young Workers Strategy Coordinator will continue in 2024. The activities undertaken under the *Young Workers Strategy 2021-23* will be evaluated to guide the development of further resources and guidance.

The dedicated Vulnerable Workers Inspectors will focus on engaging with persons conducting a business or undertaking (PCBUs) to ensure vulnerable workers are appropriately supported in the workplace. In 2024, WorkSafe ACT will continue to focus on the health and safety of vulnerable populations through:

- Attendance at events for young workers, such as career expos
- Increasing awareness of WHS rights and responsibilities, including:
    - continuing to translate guidance material into languages other than English
    - delivering presentations to apprentices, young workers, women and workers from non-English speaking backgrounds
    - monitoring compliance with requirements under the *Labour Hire Licensing Act 2020* and *Workers Compensation Act 1951*
- Developing and maintaining guidance material for young workers and their employers, particularly the Young Workers web portal.

Hybrid work arrangements

During the COVID-19 pandemic, WorkSafe ACT provided information to workers and PCBUs on managing risks of COVID-19, including through utilising hybrid work arrangements. As these arrangements continue in many workplaces, Worksafe ACT will continue to promote safe work practices and provide advice on managing the risks associated with hybrid work.

Psychosocial risk management is a key priority for WorkSafe ACT, and consideration of the relevant hazards and risks introduced through hybrid working arrangements is an important factor in this work. A review of our existing guidance material and its applicability to hybrid work arrangements will be carried out in 2024, with updates and additional material developed as required to ensure workers and PCBUs are aware of safe work practices when utilising hybrid work arrangements.

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Workforce demographic and size changes

WorkSafe ACT will continue to promote WHS practices that address health and safety in workplaces that are impacted by workforce and demographic and size changes.

Workforce demographic and size changes can have a significant impact on how workplaces operate. Staff shortages can lead to increased risks of occupational violence and work-related stress.

WorkSafe ACT's focus in 2024 will be on supporting stakeholders and PCBUs to manage risks using an 'upstream' approach. This approach involves designing safe work systems to prevent or reduce the risks that occur in the workplace. The promotion of the hierarchy of controls will continue to be a focus in our guidance material to support safe work design.

Workplaces that are more impacted by workforce demographic size changes, such as the service sector, will be targeted in communication activities to ensure PCBUs understand how to manage these hazards. Work implemented under the *Managing work-related violence and aggression plan 2021-23* will continue through 2024, with a focus on providing education regarding compliance obligations and undertaking compliance activities.

Small business

The ACT has a large proportion of small businesses across multiple industries, including retail, hospitality, and construction.

While WHS rights and responsibilities are not lessened based on the size of the business, the type of risks and the resources available to manage them will be different for smaller businesses.

WorkSafe ACT understands the importance of tailoring information to small businesses to ensure they understand their WHS obligations. In 2024, WorkSafe ACT will expand on existing guidance available, including the development of dedicated web content for owners of small businesses.

Education and awareness activities will be carried out to ensure that small businesses are able to understand their WHS duties and the importance of developing a positive safety culture.

Continuing compliance activities in the construction industry

WorkSafe ACT will maintain its strong and ongoing focus to improve compliance and safety standards across residential, commercial and civil construction sectors, through specific strategies for each segment of this industry. We are also committed to continued engagement with stakeholders and social partners to promote a culture of safety and to provide appropriate information and guidance materials.

The updated *Residential Construction Strategy 2022-24* captures WorkSafe ACT's approach to improving safety behaviours and compliance in the residential construction industry. Planned implementation activities to support the strategy in 2024 include:

- improved training and information for inspections
- improved data granularity through reporting mechanisms, including the use of inspection checklists to link residential construction with other WorkSafe ACT priorities and strategies

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

Agenda

- continuing stakeholder engagement though workplace visits, education activities and industry events, and
- development of resources for businesses in the residential construction industry (e.g. updated guidance material for safe work method statements and WHS management plans).

WorkSafe ACT will also prioritise its response to the changing regulatory environment for managing workplace exposure to silica dust by supporting workers and industry with appropriate communication and guidance, and by undertaking compliance and enforcement activities as appropriate.

WorkSafe ACT will move to a stronger, prosecution-focused compliance and enforcement strategy for the residential construction industry, with a focus on identified repeat offenders that are continuously failing to keep their workers safe. Those PCBUs will be investigated and have prosecutions brought against them where appropriate.

Improved operational efficiency of WorkSafe ACT

A key component of our commitment to continuous improvement is building inspector capability. In 2023, WorkSafe ACT introduced an 18-month inspector training program utilising a combination of internal and external training with a registered training organisation, leading to a Diploma of Government Inspections. The effectiveness of this training model will be evaluated in early 2024 with lessons applied in early 2024-25.

Work will continue on the implementation of a formal Quality Assurance Framework focusing on improving the standard of inspections and the quality of associated documentation and notices. Informal quality checking arrangements have assisted in identifying capability gaps and areas for further training and system modification and improvement.

Performance of WorkSafe ACT

In 2022-23, WorkSafe ACT reviewed its existing accountability indicators. The review was conducted to ensure the indicators were contemporary, measurable, and linked to WorkSafe ACT's strategic objectives. As a result, considerable changes were made:

- discontinuing indicators where performance was outside of WorkSafe ACT's control or those indicators where performance outcomes were difficult to determine, and
- including new indicators which better reflect community and stakeholder expectations of WorkSafe ACT performance.

WorkSafe ACT's Accountability Indicators are included in the *ACT Budget Statements 23-24* (see pages 260-261). Systems to effectively measure and report against the indicators have been put in place. Performance against the indicators will be reported in the Statement of Performance in the Office of the Work Health and Safety Commissioner Annual Report 2023-24.

In early 2024 WorkSafe ACT will also begin development of its Strategic Plan 2024-2028. The revised strategic plan will be developed in the context of Safe Work Australia's *Australian Work Health and Safety Strategy 2023-2033*. WorkSafe ACT will also review its *Compliance and Enforcement Policy 2020-2024* to ensure it reflects contemporary practice and changes at a national level.

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

WorkSafe ACT will consult with stakeholders in the development of its revised foundation documents during 2024 with release expected in early 24-25.

Ongoing engagement with the WHS Council

As an ex-officio member of the WHS Council, I will continue to participate in WHS Council meetings and collaborate with its members as set out in the WHS Act. Importantly in 2024 this will include actively consulting the WHS Council during the development of the strategic plan and compliance and enforcement policy.

I thank you and the WHS Council for your commitment to ensuring all ACT workers in all workplaces return safely home from work. WorkSafe ACT shares this commitment.

I look forward to continuing to work with you and the Executive in this critically important area.

Yours sincerely

Jacqueline Agius

Work Health and Safety Commissioner

Labour Hire Licence Commissioner

15 December 2023

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

From: Smith, Bill
To: Lukins, Ellen
Cc: Sullivan, Rebecca]; ACT WSIR Secretariat; Agius, Jacqueline; Grey, Amanda; Shepherd, Jackii; Young, Michael
Subject: WorkSafe ACT: WHS Council papers
Date: Friday, 5 August 2022 2:45:55 PM
Attachments: WHS Council meeting - WHS Commissioner update August 2022.docx
WHS Council meeting paper- Young Workers Strategy.docx
children-young-workers-cop-2006.pdf
WHS Council meeting - Marie Boland Presentation Prosecutions Report.docx
CONFIDENTIAL Final Report - Conduct of WHS Prosecutions in the ACT 30 June 2022.pdf
image001.jpg
Young-Workers-Strategy 2021-2023.pdf

OFFICIAL: Sensitive

Good afternoon Ellen,

Please find attached the following papers for the upcoming WHS Council meeting:

- Commissioner's update
- Young workers strategy (Attachment A – Young Worker Strategy, Attachment B – QLD Children and Young Workers COP)
- Marie Boland presentation on the WHS prosecutions report (Attachment A – Final report, conduct of ACT prosecutions)

Apologies for the delay in getting these to you.

Please let me know if you or your team have any questions.

Regards

Bill Smith | Senior Director - Strategy, Licensing and Compensation
Ph: 02 6205 9532 E: Bill.Smith@act.gov.au
Office of the Work Health and Safety Commissioner
GPO Box 158 Canberra ACT 2601 | www.worksafe.act.gov.au

OFFICIAL SENSITIVE

MINISTERIAL BRIEF

Chief Minister, Treasury and Economic Development Directorate

To:	Minister for Skills, Training and Industrial Relations	**Tracking No.: CMTEDD2024/5152**
Date:	18/12/2024	
From:	Executive Group Manager, Work Safety Group	
Subject:	Response to WorkSafe ACT culture concerns	
Critical Date:	10/01/2025	
Critical Reason:	For information in response to concerns raised by the Work Safety Council	

Recommendations

That you:

1. **note** WorkSafe ACT's participation in the whole of government psychosocial safety climate survey (PSC-12) to identify robust predictors of psychosocial safety in workplaces; and

Noted / Please Discuss

2. **note** the planned activities in 2025 for continued understanding, identification and action to mitigate any potential psychosocial risk factors in WorkSafe ACT, including ongoing support and accountability for 12 months following the survey.

Noted / Please Discuss

Michael Pettersson MLA ..../...../.....

Minister's Office Feedback

Background

1. In mid-2024, local media reported current and past allegations raised by the CPSU and former and current WorkSafe ACT employees of bullying, inadequate training and support, and a negative workplace culture under the leadership of the Work Health and Safety Commissioner.

Issues

Work Health and Safety Council response

2. In response to a letter from your predecessor to the Work Health and Safety Council requesting the Council to consider and provide advice in relation to this matter, the Council considered the issues raised at meeting 19 held on 22 August 2024.

3. The Council wrote providing its advice to your predecessor on 12 September 2024, with the consideration of this advice now resting with you as Minister for Skills, Training and Industrial Relations.

4. In considering the matter, the Council was generally uneasy about inquiring into matters thought to be the role of an independent reviewer and did not consider themselves equipped with the necessary information to determine the veracity of any claims about a possible poor workplace culture at WorkSafe ACT.

5. As such, the form of any response was left to you as Minister to decide.

6. Aware of the claims being made however, the Council did consider that a transparent response was required both to preserve the regulator's reputation and maintain community and staff confidence.

7. Since then, the Work Health and Safety (WHS) Commissioner has agreed for WorkSafe ACT to participate in the ACT public sector (ACTPS) psychosocial safety climate survey. An approach that is particularly recognised for organisations looking to actively identify and improve known predictors of psychosocial safety associated with workplace climate, leadership and worker participation in matters about their safety.

Psychosocial Safety Climate Survey and participation

8. In late 2024, Work Safety Group conducted a validated whole of government survey (the Psychosocial Safety Climate survey or PSC-12) to measure lead indicator factors that robustly predict psychosocial safety across ACTPS workplaces.

9. This activity is part of a suite of work being led to support the Head of Service and Directors General to meet their due diligence obligations by providing them with data to assist them to understand their psychosocial risk profile, to inform preventative programs and activities, and to upskill the understanding of psychosocial safety more generally across the Service.

10. Work Safety Group invited the WHS Commissioner to agree to a WorkSafe ACT agency level analysis and reporting which would provide an opportunity to receive a WorkSafe ACT specific report that identifies the psychosocial safety climate of the agency.

11. The Commissioner agreed to this arrangement and actively promoted and encouraged staff to participate.

Continued improvement, planning and action

12. The survey results are currently being analysed by the Centre for Workplace Excellence at the University of South Australia (UniSA), who led the administration of the PSC-12 to the ACTPS. Preliminary findings are expected in late January 2025.

13. In February 2025, the WHS Commissioner and Deputy Commissioner of WorkSafe ACT will be invited along with Directors General and Deputy Directors General to attend a face-to-face briefing with experts from UniSA to be provided with their survey results, understand what these mean for their directorate and leadership, and consider what is required to improve psychosocial safety climate in their workplaces.

14. Following this, in March 2025, senior executives from WorkSafe ACT will also participate in workshops with UniSA to develop a tailored action plan that clearly articulates material and achievable actions to improve psychosocial safety climate, in consultation with their workers. Workshops will be facilitated to support peer learning, shared opportunities to address actions together, and continue to improve capability in leading psychosocial risk management.

15. Ongoing accountability, learning and capability building for executives will be supported by 12 months of monthly Community of Practice meetings led by UniSA, to continue to monitor progress, troubleshoot difficulties, and determine solutions for continuing to identify opportunities to enhance psychosocial safety climate.

16. This process broadly follows the structure of a successful program piloted by Comcare in 2019-2020, with 88% of participating groups significantly improving the psychosocial safety climate of their workgroup by the end of the trial and 90% of leaders identifying that their understanding of psychosocial safety had improved.

Financial Implications

17. Delivery of the PSC-12 survey, workshops and the monthly Community of Practice is funded by Work Safety Group, OIRWS.

Consultation

Internal

18. Consultation occurred within Work Safety Group and across the Office of Industrial Relations and Workforce Strategy to understand the approach being taken and any interactions or distinctions between other pieces of work underway.

Cross Directorate

19. Consultation on the PSC-12 approach was undertaken with a range of directorate representatives such as the WHS Leads, the Chief Operations Officer Group, and Strategic Board.

External

20. Unions were advised by Work Safety Group of the proposed PSC-12 approach, including being informed once the survey went live, and encouraged to support member participation in the activity.

Work Health and Safety

21. The PSC-12 activity is designed to support Directors General and equivalent senior executive, such as the WHS Commissioner with information and understanding to support them to meet their due diligence obligations.

Benefits/Sensitivities

22. The PSC-12 process provides an opportunity for the first lead indicator (predictive) assessment of known psychosocial safety outcomes in workplaces, to inform Directors General and equivalent executive of psychosocial safety risks in their workforce.

Communications, media and engagement implications

23. WorkSafe ACT will be supported by Work Safety Group to participate in the results briefing, workshop and community of practice to ensure results are well understood, a plan to address areas of concern is in place, and ongoing monitoring and accountability of results occurs. This approach will position WorkSafe ACT to respond and address any potential media interest, should this eventuate.

Signatory Name:	Michael Young	Phone:	6205 3095
Action Officer:	Rebecca Parton	Phone:	6205 9482

WORK HEALTH AND SAFETY COUNCIL

ACT Government

Agenda Item xx

For decision

General Guidelines for Prosecutions

Prepared by: Bill Smith

Resolution:

That Members:

- **Agree** to the draft revised *General Guidelines for Prosecutions* at Attachment A.

Background

The *Work Health and Safety (Prosecution) Guidelines 2018 (No 1)* (the 2018 Guidelines) were notified and commenced in 2018.

The Guidelines provide information about the way work health and safety (WHS) offences are prosecuted by the regulator.

Issues

WorkSafe ACT was established (1 July 2020) as an independent, prescribed Territory authority headed by the Work Health and Safety (WHS) Commissioner who is the Territory's WHS Regulator. Noting it has been five years since the 2018 Guidelines commenced, WorkSafe ACT has undertaken a review to ensure they remain contemporary.

As a result of the review WorkSafe ACT has identified several elements within the 2018 Guidelines that could be updated to better reflect policy and procedures; the Guidelines have been amended to:

- refence the *WorkSafe ACT Compliance and Enforcement Policy 2020-2024* rather than the National Compliance and Enforcement Policy
- acknowledge and reflect the WHS Commissioner's ability to commence proceedings for an offence against the *Work Health and Safety Act 2011*
- state that the WHS Commissioner can commence a proceeding or may refer a matter to the Director of Public Prosecutions, and
- state that where the WHS Commissioner decides to commence a proceeding, the WHS Commissioner will be required to follow the process for starting criminal proceedings within Ch 3 of the *Magistrates Court Act 1930* (Magistrates Court Act).

Although Worksafe ACT does not consider the proposed amendments to be significant we are seeking the view and endorsement of members before progressing any of the proposed changes.

Next Steps

If members support the proposed changes the revised Guidelines instrument will be published on the ACT legislation register. In addition, the WorkSafe ACT Compliance and Enforcement Policy 2020-2024 will be updated to reflect the changes to the Guidelines and also notified and published on the ACT legislation register.

Attachment

Attachment A – Revised General Guidelines for Prosecutions

WORKSAFE ACT SAFE + HEALTHY WORKPLACES

GENERAL GUIDELINES FOR PROSECUTIONS

WORK HEALTH AND SAFETY ACT 2011

June 2023

These guidelines provide information about the way work health and safety (WHS) offences are prosecuted by the regulator. These guidelines are published pursuant to section 230(3)(a) of the *Work Health and Safety Act 2011*.

The WHS Commissioner is the regulator and is an independent statutory office holder for the Australian Capital Territory (ACT). The Office of the WHS Commissioner (known as WorkSafe ACT) administers the work health and safety laws in the ACT including the:

- *Work Health and Safety Act 2011* (WHS Act), and
- *Work Health and Safety Regulation 2011*.

Copies of these laws are available at www.legislation.act.gov.au.

A revised *WorkSafe ACT Compliance and Enforcement Policy 2020-2024* was approved on xxxxxxx June 2023. The Policy outlines the aims of compliance and enforcement as well as the compliance and enforcement tools available to WorkSafe ACT. The Policy also sets outs general information about prosecutions, including the criteria used to determine whether to initiate prosecution and the timeframes for initiating such action.

Courts

Prosecutions for breaches of WHS laws are heard in the ACT Magistrates Court and ACT Supreme Court. Civil penalty provision matters are dealt with in the civil jurisdictions of those courts.

Prosecution initiation

Where the regulator considers that a prosecution should be initiated, the WHS Commissioner may commence proceedings for an offence against the WHS Act. In commencing a proceeding under the WHS Act, s 230 provides two methods for doing so:

1. the WHS Commissioner can commence a proceeding in its own right pursuant to s 230(1) of the Act, or
2. the WHS Commissioner may refer a matter to the Director of Public Prosecutions (DPP) under s 230(2) for the DPP to consider commencing a proceeding on behalf of the WHS Commissioner. Information about the DPP, including its Prosecution Policy, may be found at www.dpp.act.gov.au.

Where the WHS Commissioner decides to commence a proceeding in accordance with s 230(1) of the WHS Act, the WHS Commissioner will be required to follow the process for starting criminal proceedings within Ch 3 of the *Magistrates Court Act 1930* (Magistrates Court Act). This includes laying information in accordance with Pt 3.3 of the Magistrates Court Act.

The court process

Information about the court process in the ACT Magistrates Courts, ACT Supreme Court and ACT Court of Appeal can be found at www.courts.act.gov.au.

Sentencing options

The WHS laws set out a range of sentencing options that may be used. The following orders may be applied in addition to any penalty imposed for an offence:

- adverse publicity orders
- orders for restoration
- work health and safety project orders
- court-ordered WHS undertakings, and
- training orders.

Appeals

Appeals from decisions of the Magistrates Court and Supreme Court are governed by the Magistrates Court Act, the *Supreme Court Act 1933* and related legislation.

Records of court process and decisions

Decisions of the courts are recorded and available online at www.courts.act.gov.au.

Publication of prosecution outcomes

Prosecution outcomes may be published by WorkSafe ACT, including the publication of summaries of those outcomes on the WorkSafe ACT website www.worksafe.act.gov.au/

Recording of convictions

The court will decide whether a conviction will be recorded against a defendant. Prior convictions may influence the court in its findings and/or in determining the level of any penalty.

Requests for a prosecution to be brought

The WHS laws outline certain circumstances in which a person may request the regulator refer a matter to the DPP. Information about the circumstances in which such requests can be made and the process for initiating such request can be obtained by contacting WorkSafe ACT by email at – worksafe@worksafe.act.gov.au

Information about the status of court proceedings

The WHS Commissioner will ensure all impacted and injured parties of the status and updates relating to the relative and respective court proceedings.

From: Young, Michael
To: Lukins, Ellen
Subject: FW: WorkSafe ACT Response - Boland Prosecution Review
Date: Friday, 23 June 2023 2:49:15 PM
Attachments: image001.png
image002.png
2023-03-14 CONFIDENTIAL Final Report - Conduct of WHS Prosecutions in the ACT 30 June 2022.pdf
2023-03-14 WorkSafe ACT Response - Boland Prosecution Review.pdf

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OFFICIAL

From: Young, Michael
Sent: Tuesday, 14 March 2023 5:01 PM
To: West, Damian
Cc: Lukins, Ellen ; Prowse, Fay
Subject: FW: WorkSafe ACT Response - Boland Prosecution Review

FYI

The WorkSafe document interprets the Government's policy around establishing WorkSafe as an independent prosecutor in a way that could (in the Minister/AG/CM's view) go beyond what was actually intended. This extract from p3 being the most obvious example.

> *The lack of control over the management of WHS prosecution decision making is inconsistent with the ACT Government's vision for WorkSafe ACT to operate as an independent WHS regulator. It restricts the WHS Commissioner's ability to positively influence a change in safety culture and risks and undermines the objective of creating safe workplaces across the ACT.*
>
> *Providing the WHS Commissioner with the authority to decide when to prosecute WHS breaches, and the flexibility to choose where to seek prosecution advice, is a critical element required to deliver the ACT Government's objective of a genuinely independent WHS regulator.*

This potentially wedges the govt policy response - setting up a position where it either needs to publicly correct/clarify the Commissioner's interpretation or accept the argument for unfettered prosecution power.

You may want to flag this in the Minister's meeting tomorrow? I note they plan to publish on 16 March.

Subject to your views, I propose to ask Jacqui (perhaps informally) to remove those two paras.

Thanks

Michael

From: Pocock, Alice <Alice.Pocock@worksafe.act.gov.au> **On Behalf Of** Agius, Jacqueline
Sent: Tuesday, 14 March 2023 3:56 PM
To: Young, Michael <Michael.Young@act.gov.au>
Subject: WorkSafe ACT Response - Boland Prosecution Review

OFFICIAL

Dear Mr Young,

In July last year I provided you with a copy of Marie Boland's report examining the prosecutions framework for breaches of the Work Health and Safety (WHS) and associated laws operating in the ACT – *Conduct of WHS Prosecutions in the ACT* (the Report). The Report included 12 recommendations relating to either WorkSafe ACT or the broader ACT Government.

Subsequently, my Office has considered the specific recommendations relating to WorkSafe ACT and also formed a position on the Report's proposed prosecution

model – noting that this will ultimately be a decision for Government. Please find attached for your information WorkSafe ACT's Response to the Report.

I am writing to advise that I intend to release both the Report and WorkSafe ACT's response publicly on 16 March 2023.

For your information, I am also providing WorkSafe ACT's response to Richard Glenn (JACS), the Office of the Minister of Industrial Relations and Workplace Safety Minister Mr Mick Gentleman, Mr Shane Drumgold SC (Director of Public Prosecutions), Mr Peter Garrison (ACT Solicitor General), the Office of the ACT Attorney General Mr Shane Rattenbury and the Office of Chief Minister Mr Andrew Barr in advance of the public release.

Stay safe

Kind regards,

Alice Pocock |
Executive Assistant to Jacqueline Agius , Work Health and Safety Commissioner and Labour Hire Licence Commissioner
P: 02 6205 9958 | E: alice.pocock@worksafe.act.gov.au
Office of the Work Health and Safety Commissioner
GPO Box 158 Canberra ACT 2601 | www.worksafe.act.gov.au



From: ACTWorkHealthandSafetyCouncil.Secretariat
To: Sch 2.2(a)(ii)
Cc: ACTWorkHealthandSafetyCouncil.Secretariat; ONeill, JessA; Kelly, Angeline; Smith, Bill
Subject: WHS Council - meeting 20 - 14 November 2024 - meeting agenda and papers
Date: Friday, 8 November 2024 5:49:55 PM
Attachments: Agenda and Papers - WHS Council Meeting 20 - 14 November 2024.PDF

OFFICIAL

Good afternoon Members

Please see attached Agenda and papers for meeting 19 of the WHS Council on 22 August 2024.

out of scope

A copy of the attached papers will be circulated first thing on Monday (11 November 2024) morning for information, should an acting Member be called upon to attend the meeting next week as a proxy.

If you have not already, please confirm if you will be attending the meeting in person or virtually by contacting the Secretariat via the mailbox: ACTWorkHealthandSafetyCouncil.Secretariat@act.gov.au.

If you have any questions about the meeting or agenda papers attached please feel free to contact the Secretariat.

I hope everyone has a lovely weekend!

Kind regards,
Ellen

Ellen Lukins
Executive Branch Manager | Policy Branch
& WHS Council/LHL Advisory Committee Secretariat
02 6205 3874 | Sch 2.2(a)(ii) | ellen.lukins@act.gov.au
Work Safety Group | Office of Industrial Relations and Workforce Strategy
Chief Minister, Treasury and Economic Development Directorate | ACT Government

I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

****
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WORK HEALTH AND SAFETY COUNCIL

ACT Government

Mr Mick Gentleman MLA
Minister for Industrial Relations and Workplace Safety
Via email: gentleman@act.gov.au

Dear Minister

RE: workplace culture at the Office of the Work Health and Safety Commissioner

I am writing to advise of Council's consideration of your request dated 31 July 2024 to discuss matters relating to the consideration of an independent review of workplace culture at the Office of the Work Health and Safety Commissioner (WorkSafe ACT).

This matter was discussed at meeting 19 of the Council held on 22 August 2024.

In considering the issue Members expressed a general unease about inquiring into whether or not there should be an independent review of WorkSafe ACT workplace culture. Relevantly, it is unclear, and the Council is unable to determine, the veracity of these claims. The Council discussed that the body is unable to function as an investigator and it would be inappropriate to do so.

Consequently, while Council members noted that generally media reports alone are not sufficient to warrant an independent review, it is also uncertain what threshold may be necessary to warrant recommending a review.

From your letter, Council is aware that concerns have been raised from current and former staff, and also of concerns that have been raised publicly in the media about alleged culture issues at WorkSafe ACT.

To make it clear, the Council did not express a judgement about the performance of the Work Health and Safety Commissioner in her role as the work safety regulator.

However, given the importance of maintaining community and staff confidence in the reputation of the work safety regulator, Council considers it prudent that action is taken to give the public assurance about the governance and regulatory activities of WorkSafe ACT.

Council considers the form of this response is for you to determine, whether that is an independent review or otherwise, as the Minister with responsibility for the *Work Health and Safety Act 2011*.

It is also recognised that this is likely a difficult and stressful time for all WorkSafe ACT staff, including the Commissioner, and appropriate supports should be offered.

Yours sincerely

Sch 2.2(a)(ii)

Michael Hiscox
Chair, ACT Work Health and Safety Council
12 September 2024

From: ACTWorkHealthandSafetyCouncil.Secretariat
To: Sch 2.2(a)(ii)
Cc: ACTWorkHealthandSafetyCouncil.Secretariat
Subject: For Action - WHS Council Meeting 19 (22 August 2024) Minutes
Date: Wednesday, 2 October 2024 9:13:14 AM
Attachments: image001.jpg
WHS Council Meeting 19 Minutes - 22 August 2024 (Final).docx

OFFICIAL: Sensitive

Dear Members,

I refer to the email below and note the Secretariat has not received any proposed changes to the minutes for Meeting 19 (22 August 2024) from council members.

I have **attached** to this email a final version of the minutes. The word 'Final' has been inserted in the name of the document, but no amendments have been made to the minutes since they were sent to members on 29 August 2024. Could the Secretariat please receive your written confirmation or otherwise of the final minutes by **Friday 11 October 2024?**

Should the Secretariat not receive a quorum of responses the minutes will be brought to the next Council meeting for formal endorsement on 14 November 2024.

Warm regards,

Jess O'Neill | Director
Stakeholder Engagement & Governance
jessa.oneill@act.gov.au | **(02) 6205 3056**
Work Safety Group | Office of Industrial Relations & Workforce Strategy
Chief Minister, Treasury and Economic Development Directorate | ACT Government

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From: ACTWorkHealthandSafetyCouncil.Secretariat <ACTWorkHealthandSafetyCouncil.Secretariat@act.gov.au>
Sent: Thursday, August 29, 2024 10:52 AM

Sch 2.2(a)(ii)

Cc: ACTWorkHealthandSafetyCouncil.Secretariat

<ACTWorkHealthandSafetyCouncil.Secretariat@act.gov.au>; Lukins, Ellen <Ellen.Lukins@act.gov.au>; Kelly, Angeline <Angeline.Kelly@act.gov.au>; Michael Hiscox (CFMEU Sch 2.2(a)(ii)

Subject: [For Action] WHS Council Meeting 19 Thursday 22 August 2024 - Minutes, Communique & Action Items

OFFICIAL: Sensitive

Good morning, WHS Council Members.

Please see the following **attached** draft documents arising from the WHS Council Meeting 19 on Thursday 22 August for your consideration and endorsement:

- Draft WHS Council Meeting 19 Communique
- Draft WHS Council Meeting 19 Minutes
- Draft content for the letter in reply to the Minister re: his WorkSafe ACT enquiry

The below Action Points are also for your review and endorsement.

Action Item 1: WHS Commissioner to confirm with the Secretariat whether in full, or a part/version of, the regulator's quarterly can be published on the Work Safety Group, CMTEDD webpage with the Council's Meeting Communique.

Action Item 2: Secretariat to circulate by 29 August 2024 draft content for a response to the Minister's letter of 31 July 2024 regarding workplace culture at WorkSafe ACT for comment by Council Members (except the WHS Commissioner) by 5 September 2024.

Please provide your comments and/or endorsement by COB Thursday 5 September 2024.

We also note that:

- The draft content for the letter in reply to the Minister re: his WorkSafe ACT enquiry will not be circulated to the Commissioner; and
- The full draft minutes will only be sent to the Commissioner once members have had the opportunity to make comments. The Secretariat will provide a redacted version removing Item 6.1 to the Commissioner for comment in the interim.

Thank you and warm regards,

Jess O'Neill | Director

Stakeholder Engagement & Governance

jessa.oneill@act.gov.au | **(02) 6205 3056**

Work Safety Group | Office of Industrial Relations & Workforce Strategy

Chief Minister, Treasury and Economic Development Directorate | ACT Government

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From: Kelly, Angeline on behalf of ACTWorkHealthandSafetyCouncil.Secretariat
To: Sch 2.2(a)(ii)
Cc: Lukins, Ellen; Kelly, Angeline; ONeill, JessA; ACTWorkHealthandSafetyCouncil.Secretariat
Subject: RE: [For Action] WHS Council Meeting 19 Thursday 22 August 2024 - Minutes, Communique & Action Items
Date: Wednesday, 4 September 2024 4:43:09 PM
Attachments: Public Communique - WHS Council Meeting 19 - Thursday 22 August 2024.docx
WHS Council Meeting 19 Minutes - 22 August 2024.docx
DRAFT CONTENT - Council consideration - workplace culture - WorkSafe ACT.docx
image001.jpg

OFFICIAL: Sensitive

Good afternoon Members
Just a friendly reminder that responses are due by **COB tomorrow**, please don't hesitate to reach out if you have any questions.
Many thanks,
Angeline

Angeline Kelly | Policy Officer
Stakeholder Engagement & Governance
Angeline.Kelly@act.gov.au | **(02) 620 75518**
Work Safety Group | Office of Industrial Relations & Workforce Strategy
Chief Minister, Treasury and Economic Development Directorate | ACT Government

From: ACTWorkHealthandSafetyCouncil.Secretariat
Sent: Thursday, August 29, 2024 10:52 AM
Sch 2.2(a)(ii)
Cc: ACTWorkHealthandSafetyCouncil.Secretariat ; Lukins, Ellen ; Kelly, Angeline ; Michael Hiscox (CFMEU)
Subject: [For Action] WHS Council Meeting 19 Thursday 22 August 2024 - Minutes, Communique & Action Items

OFFICIAL: Sensitive

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Thank you and warm regards,

Jess O'Neill | Director
Stakeholder Engagement & Governance
jessa.oneill@act.gov.au **| (02) 6205 3056**
Work Safety Group | Office of Industrial Relations & Workforce Strategy
Chief Minister, Treasury and Economic Development Directorate | ACT Government



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From: ACTWorkHealthandSafetyCouncil.Secretariat
To: Agius, Jacqueline
Cc: ACTWorkHealthandSafetyCouncil.Secretariat
Subject: WHS Council Meeting 19 Thursday 22 August 2024 - Full Minutes
Date: Friday, 8 November 2024 2:09:55 PM
Attachments: image001.jpg
WHS Council Meeting 19 Minutes - 22 August 2024 (Final).docx

OFFICIAL: Sensitive

Good afternoon Jacqui,
I hope you're well.
The Secretariat previously provided you with a redacted version of the minutes from Meeting 19 of the WHS Council.
As members have had the opportunity to make comments, we are now providing you with the full minutes which will be brought to next week's WHS Council Meeting 20 for endorsement.
Please reach out if you have any questions or comments.
Warm regards,

Jess O'Neill | Director
Stakeholder Engagement & Governance
jessa.oneill@act.gov.au **| (02) 6205 3056**
Work Safety Group | Office of Industrial Relations & Workforce Strategy
Chief Minister, Treasury and Economic Development Directorate | ACT Government

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From: ACTWorkHealthandSafetyCouncil.Secretariat
Sent: Thursday, 29 August 2024 12:00 PM
To: Agius, Jacqueline
Cc: ACTWorkHealthandSafetyCouncil.Secretariat ; Lukins, Ellen ; Kelly, Angeline
Subject: [For Action] WHS Council Meeting 19 Thursday 22 August 2024 - Minutes, Communique & Action Item

OFFICIAL: Sensitive

Good morning, Jacqui.
Please see the following **attached** draft documents arising from the WHS Council Meeting 19 on Thursday 22 August for your consideration:

- Draft WHS Council Meeting 19 Communique, and
- Draft WHS Council Meeting 19 Minutes - noting this is a redacted version removing items discussed while you were excused from the meeting. The full draft minutes will be sent to you once members have had the opportunity to make comments.

Please note the below action item from the minutes relates to the email discussion we had yesterday:

Action Item 1: WHS Commissioner to confirm with the Secretariat whether in full, or a part/version of, the regulator's quarterly can be published on the Work Safety Group, CMTEDD webpage with the Council's Meeting Communique.

Please provide your comments, or advice of no comments, by COB Thursday 5 September 2024.

Thank you and warm regards,

Jess O'Neill | Director
Stakeholder Engagement & Governance
jessa.oneill@act.gov.au **| (02) 6205 3056**
Work Safety Group | Office of Industrial Relations & Workforce Strategy
Chief Minister, Treasury and Economic Development Directorate | ACT Government

I acknowledge the Ngunnawal people as traditional custodians of the ACT and recognise any other people or families with connection to the lands of the ACT and region. I acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.

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Important: This message may contain confidential or privileged information. If you are not the recipient of this message, you are hereby notified that you must not disseminate, copy or take any action based upon it. If you think this was sent to you by mistake, please delete all copies and advise the sender immediately.

From: ACTWorkHealthandSafetyCouncil.Secretariat
To: Sch 2.2(a)(ii)
Cc: ACTWorkHealthandSafetyCouncil.Secretariat
Subject: WHS Council Meeting 20 - Follow up on Action Items & Feedback Reminders
Date: Tuesday, 10 December 2024 8:06:03 AM
Attachments: CM24 128372 WHS Council Meeting 20 Minutes - 14 November 2024 (DRAFT)(2).DOCX
Attachment B - WHS Council [DRAFT] Public Communiqué Meeting 20 14 November 2024.docx
image001.jpg
Attachment A.1 - Consultation Summary ACT Tower Crane Code Practice.DOCX
Attachment B - Agenda Paper ACT Tower Crane Code of Practice 2025.DOCX
Attachment C Draft Revised ACT Crane Code of Practice.DOCX
WHS Council Letter in reply to Minister Gentleman re WorkSafe ACT.pdf

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UNOFFICIAL

Good morning members,

I hope this email finds you well. I'm writing to follow up on the action items from our WHS Council meeting 20 and to remind you about relevant feedback deadlines.

Action Items:

- As required by Action Item 1 from meeting 20, please find **attached** the letter from the WHS Council to former Minister Gentleman, dated 12 September 2024, regarding workplace culture at WorkSafe ACT.
- For Action Item 3, we have followed up on feedback with relevant members and once received, will coordinate the CSS workshop to discuss feedback received and details of the ACT's proposed implementation approach.
- Although not an action item, please note that the Secretariat will soon issue placeholder invitations for next year's WHS Council meetings.

Feedback Reminders:

- Feedback on the draft ACT Tower Crane Code of Practice **was due on Friday 6 December 2024**. If no feedback is received, the revised draft Code will proceed to Ministerial approval.
- We kindly request members to provide feedback to WorkSafe ACT by **Friday 13 December 2024**, on the Draft Compliance and Enforcement Policy 2024-28 and the Draft Strategic Plan 2024-28.

Please feel free to reach out if you have any questions or need further discussion.

Warm regards,

Jess O'Neill | Director
Stakeholder Engagement & Governance
jessa.oneill@act.gov.au | **(02) 6205 3056**
Work Safety Group | Office of Industrial Relations & Workforce Strategy
Chief Minister, Treasury and Economic Development Directorate | ACT Government

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From: ACTWorkHealthandSafetyCouncil.Secretariat <ACTWorkHealthandSafetyCouncil.Secretariat@act.gov.au>

Sent: Friday, 22 November 2024 4:11 PM

Sch 2.2(a)(ii)

Cc: ACTWorkHealthandSafetyCouncil.Secretariat <ACTWorkHealthandSafetyCouncil.Secretariat@act.gov.au>

Subject: WHS Council Meeting 20 Action Items, Minutes and Communique, and Tower Crane Code of Practice Documentation

UNOFFICIAL

Good afternoon members,

Please see attached the:

- draft minutes from meeting 20 for your comments and feedback,
- draft communique from the Chair for your information (which will be published on the CMTEDD website after the feedback period has closed), and
- out of scope

Please also note the below action items arising from meeting 20:

Action Item 1

- Secretariat to circulate to members a copy of the correspondence item relating to the letter from Council to the former Minister sent on 12 September 2024 in relation to workplace culture at WorkSafe ACT.

Action Item 2

- Members to provide feedback on WorkSafe ACT's Draft Compliance & Enforcement Policy and Draft Strategic Plan to WorkSafe ACT by 13 December 2024 (this was originally 22 November 2024 and WorkSafe ACT indicated this date could be extended).
- WorkSafe ACT will provide an update on feedback at the next WHS Council meeting 21 in 2025.

Action Item 3

out of scope

out of scope

If you have comments/feedback, please 'reply all' to assist with Members consideration when the Secretariat re-circulates for endorsement. Please provide any comments by **29 November 2024.**

Please reach out to the Secretariat via email at ACTWorkHealthandSafetyCouncil.Secretariat@act.gov.au if you have any questions.

Warm regards,

Jess O'Neill | Director
Stakeholder Engagement & Governance
jessa.oneill@act.gov.au | **(02) 6205 3056**
Work Safety Group | Office of Industrial Relations & Workforce Strategy
Chief Minister, Treasury and Economic Development Directorate | ACT Government



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From: ACTWorkHealthandSafetyCouncil.Secretariat
To: Sch 2.2(a)(ii)
Cc:
Subject: WHS Council Meeting 20 Action Items, Minutes and Communique, and Tower Crane Code of Practice Documentation
Date: Friday, 22 November 2024 4:11:00 PM
Attachments: CM24 128372 WHS Council Meeting 20 Minutes - 14 November 2024 (DRAFT)(2).DOCX
Attachment B - WHS Council [DRAFT] Public Communiqué Meeting 20 14 November 2024.docx
Attachment A.1 - Consultation Summary ACT Tower Crane Code Practice.DOCX
Attachment B - Agenda Paper ACT Tower Crane Code of Practice 2025.DOCX
Attachment C Draft Revised ACT Crane Code of Practice.DOCX

UNOFFICIAL

Good afternoon members,

Please see attached the:

- draft minutes from meeting 20 for your comments and feedback,
- draft communique from the Chair for your information (which will be published on the CMTEDD website after the feedback period has closed), and

out of scope

Please also note the below action items arising from meeting 20:

Action Item 1

- Secretariat to circulate to members a copy of the correspondence item relating to the letter from Council to the former Minister sent on 12 September 2024 in relation to workplace culture at WorkSafe ACT.

Action Item 2

- Members to provide feedback on WorkSafe ACT's Draft Compliance & Enforcement Policy and Draft Strategic Plan to WorkSafe ACT by 13 December 2024 (this was originally 22 November 2024 and WorkSafe ACT indicated this date could be extended).
- WorkSafe ACT will provide an update on feedback at the next WHS Council meeting 21 in 2025.

Action Item 3

out of scope

If you have comments/feedback, please 'reply all' to assist with Members consideration when the Secretariat re-circulates for endorsement. Please provide any comments by **29 November 2024.**

Please reach out to the Secretariat via email at ACTWorkHealthandSafetyCouncil.Secretariat@act.gov.au if you have any questions.

Warm regards,

Jess O'Neill | Director
Stakeholder Engagement & Governance
jessa.oneill@act.gov.au | **(02) 6205 3056**
Work Safety Group | Office of Industrial Relations & Workforce Strategy
Chief Minister, Treasury and Economic Development Directorate | ACT Government



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From: ACTWorkHealthandSafetyCouncil.Secretariat
To: Sch 2.2(a)(ii)
Cc: ACTWorkHealthandSafetyCouncil.Secretariat; Lukins, Ellen; Kelly, Angeline; Michael Hiscox (CFMEU)
Subject: [For Action] WHS Council Meeting 19 Thursday 22 August 2024 - Minutes, Communique & Action Items
Date: Thursday, 29 August 2024 10:51:37 AM
Attachments: Public Communique - WHS Council Meeting 19 - Thursday 22 August 2024.docx
WHS Council Meeting 19 Minutes - 22 August 2024.docx
DRAFT CONTENT - Council consideration - workplace culture - WorkSafe ACT.docx

OFFICIAL: Sensitive

Good morning, WHS Council Members.

Please see the following **attached** draft documents arising from the WHS Council Meeting 19 on Thursday 22 August for your consideration and endorsement:

- Draft WHS Council Meeting 19 Communique
- Draft WHS Council Meeting 19 Minutes
- Draft content for the letter in reply to the Minister re: his WorkSafe ACT enquiry

The below Action Points are also for your review and endorsement.

Action Item 1: WHS Commissioner to confirm with the Secretariat whether in full, or a part/version of, the regulator's quarterly can be published on the Work Safety Group, CMTEDD webpage with the Council's Meeting Communique.
Action Item 2: Secretariat to circulate by 29 August 2024 draft content for a response to the Minister's letter of 31 July 2024 regarding workplace culture at WorkSafe ACT for comment by Council Members (except the WHS Commissioner) by 5 September 2024.

Please provide your comments and/or endorsement by COB Thursday 5 September 2024.

We also note that:

- The draft content for the letter in reply to the Minister re: his WorkSafe ACT enquiry will not be circulated to the Commissioner; and
- The full draft minutes will only be sent to the Commissioner once members have had the opportunity to make comments. The Secretariat will provide a redacted version removing Item 6.1 to the Commissioner for comment in the interim.

Thank you and warm regards,

Jess O'Neill | Director
Stakeholder Engagement & Governance
jessa.oneill@act.gov.au | **(02) 6205 3056**
Work Safety Group | Office of Industrial Relations & Workforce Strategy
Chief Minister, Treasury and Economic Development Directorate | ACT Government



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WORK HEALTH AND SAFETY COUNCIL

ACT Government

Agenda Item 3.3 — For noting

2018 Independent Review – Closure Report

Prepared by the Office of the Work Health and Safety Commissioner (WorkSafe ACT).

Resolution:

Members:

- **Note** the 2018 Independent Review Closure Report, at Attachment A.

Background

On 27 August 2018, the Nous Group delivered its *Independent Review of the ACT's Work Safety Compliance Infrastructure, Polices and Procedures* (the Review). It was the first broad review of the ACT's work health and safety (WHS) compliance and enforcement arrangements since the adoption of the national model WHS legislation in the ACT in 2011.

The purpose of the Review was to consider the appropriateness and effectiveness of the ACT's compliance and enforcement infrastructure, policies, and procedures.

The Review contained 27 recommendations with all being given in-principal support by the ACT Government. In response, the WHS Compliance and Enforcement Reform Program project team was established in early 2019 to deliver a program of reforms to implement the Review's recommendations and improve workplace safety standards and performance in the ACT.

The Closure Report, at Attachment A, highlights the work that has been undertaken to implement all 27 recommendations, including:

- amendments to the *Work Health and Safety Act 2011*
- the creation of WorkSafe ACT as a Prescribed Territory Authority
- the establishment of the independent statutory appointment of the Work Health and Safety Commissioner as the Territory's Regulator, and
- the development and publication of our *Strategic Plan 2020–2024* and *Compliance and Enforcement Policy 2020–2024*.

As of 30 June 2022, the ACT Audit Office confirmed that all of the Review's recommendations were completed.

Attachment

Attachment	Title
Attachment A	2018 Independent Review – Closure Report

WORKSAFE ACT
SAFE + HEALTHY WORKPLACES

2018 INDEPENDENT REVIEW - CLOSURE REPORT

November 2022



WORKSAFE ACT
SAFE + HEALTHY WORKPLACES

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COMMISSIONER'S FOREWORD



On 27 August 2018, the Nous Group delivered its *Independent Review of the ACT's Work Safety Compliance Infrastructure, Polices and Procedures* (the Review). It was the first broad review of the ACT's work health and safety (WHS) compliance and enforcement arrangements since the adoption of the national model WHS legislation in the ACT in 2011.

The Review, including the 27 accompanying recommendations, was the impetus for the creation of WorkSafe ACT. I am pleased and proud that the full implementation of all recommendations has seen us grow from being a business unit within Access Canberra, to a fully independent, efficient, and effective regulator.

This Closure Report highlights the considerable work that has gone into implementing the Review's 27 recommendations, including amendments to the *Work Health and Safety Act 2011*, the creation of WorkSafe ACT as a Prescribed Territory Authority, the establishment of the independent statutory appointment of the Work Health and Safety Commissioner as the Territory's Regulator, and development and publication of our *Strategic Plan 2020–2024* and *Compliance and Enforcement Policy 2020–2024*.

Importantly, the priorities outlined in the strategic plan, together with the Minister's *Statement of Expectations* and WorkSafe ACT's *Statement of Operational Intent*, inform our WHS compliance monitoring and enforcement activities, and are central to achieving our mission "*to protect workers and ensure compliance with workplace obligations*".

These foundations also underpin WorkSafe ACT's vision for "*healthy, safe, and productive working lives*".

To this end, I am committed to improving physical and psychological health and safety standards in Canberra's workplaces and creating a strong culture of safety in the ACT. I believe this is achievable with a strong and consistent regulatory approach and by holding duty holders accountable for creating and maintaining safe and healthy work environments.

Although I am confident WorkSafe ACT now has the supporting infrastructure in place to achieve our vision, we will continue to adapt, learn and grow as time progresses. I am confident that the success we have achieved in implementing the Review's 27 recommendations will stand us in good stead into the future.

Jacqueline Agius

Work Health and Safety Commissioner

November 2022

2018 INDEPENDENT REVIEW – CLOSURE REPORT

BACKGROUND

The 2018 Independent Review (the Review) of the ACT's WHS compliance infrastructure, policies and procedures was established in May 2018 for the then Minister for Workplace Safety and Industrial Relations, Rachel Stephen-Smith MLA and Minister for Regulatory Services, Gordon Ramsay MLA.

The Review was conducted by Dr Claire Noone of the Nous Group and was the first broad review of the ACT's WHS compliance and enforcement arrangements since the adoption of the national model WHS legislation in 2011.

The purpose of the Review was to consider the appropriateness and effectiveness of the ACT's compliance and enforcement infrastructure, policies, and procedures – specifically considering:

- the approach to safety compliance and enforcement detailed in WorkSafe ACT's Compliance Framework
- the appropriateness and effectiveness of WorkSafe ACT's governance structure, including the roles, legislative responsibilities and functions of the Work Health and Safety Commissioner, the Regulator, and relevant Ministers
- the appropriateness and effectiveness of WorkSafe ACT's organisational structure, including consideration of its independence and operational effectiveness in its current status as a business unit within Access Canberra, and
- the ACT's collection, use and analysis of data and the impact and effectiveness of information sharing within Access Canberra and across government to drive work safety compliance and enforcement activities.

The Review identified emerging strengths in WorkSafe ACT's approach to strategic planning, and opportunities for improvement to clarify roles and responsibilities; and better use data to inform compliance and enforcement activities. A suite of 27 legislative, governance and administrative recommendations were identified to enable the establishment of a new independent regulatory entity.

2018 INDEPENDENT REVIEW RECOMMENDATIONS

The Review's 27 recommendations were grouped under six main streams:

- compliance framework
- appropriateness and effectiveness of WorkSafe ACT's approach
- stakeholder engagement
- governance
- operational structure, and
- operational effectiveness.

The Review's recommendations were:

Recommendation 1: Be clear what comprises the Compliance Framework documents, how the suite of documents fits together, and how they are applied.

Recommendation 2: Review the WorkSafe ACT Compliance Framework to ensure it clearly articulates the regulatory approach and provides clarity on what is meant by the risk-based approach and how it is applied.

Recommendation 3: Articulate how the range of tools will be used, and in what circumstances, to provide clear guidance to regulated parties as to what to expect and to inform staff so there is consistent practice.

Recommendation 4: Review and update policies and procedures to ensure they align with the Compliance Framework and establish a process and assign responsibility for keeping all documents current.

Recommendation 5: Finalise and publish the WorkSafe ACT Strategic Business Plan 2018-22 and the WorkSafe ACT Industry Stakeholder Communications Strategy 2018/19, and ensure they align with the Compliance Framework.

Recommendation 6: Update the Strategic Business Plan annually to articulate compliance and enforcement priorities and measures.

Recommendation 7: Create a process and assign responsibility for data collection, collation and use to inform strategic priorities, programs and activities, resource allocation and performance, and outcomes measurement and reporting.

Recommendation 8: Ensure WorkSafe ACT has the capability and knowledge to effectively use the current systems and the data analytics services available to them.

Recommendation 9: Formalise an approach to sharing of information among and between regulators to better inform compliance targeting, responses, and to reduce burden for business.

Recommendation 10: Create more information and guidance material and make it more accessible through a WorkSafe ACT dedicated website.

Recommendation 11: Plan community and business engagement activities as part of the strategic approach to addressing priority industries, injuries, and cohorts.

Recommendation 12: Communicate about incident and enforcement outcomes sooner.

Recommendation 13: Make data publicly available to enable stakeholders to use the information to inform their work health and safety programs.

Recommendation 14: Continue to increase proactive inspections in the construction industry and conduct more inspections in other priority industries.

Recommendation 15: Report on the use of advice and guidance as a tool to inform when it was used, when non-compliance was identified, and the agreed response - to form part of the data set for future targeting.

Recommendation 16: Confirm the appropriate use of tools to reinforce the purpose and importance of the use of notices to address breaches.

Recommendation 17: Confirm the appropriate use of enforceable undertakings and encourage increased use.

Recommendation 18: Continue to improve procedures and expand investigative skills to support successful enforcement outcomes.

Recommendation 19: Produce a detailed annual report that includes a list of activities; including details of completed investigations and actions taken against private and public workplaces, and financial information.

Recommendation 20: Establish more effective collaborative arrangements with stakeholders to assist with the development and delivery of programs and activities to improve the reach of information and education materials.

Recommendation 21: Establish WorkSafe ACT as an entity under the WHS Act using a single accountability governance model in which a Commissioner is appointed as the regulatory authority and is accountable for all regulatory decisions.

Recommendation 22: Consider the proposed structure for WorkSafe ACT, to support the proposed governance model, including costing proposed changes.

Recommendation 23: Establish formal arrangements to define requirements and service expectations of all functions to be provided by other agencies.

Recommendation 24: Consider developing a formal and comprehensive internal training and development program, leveraging similar programs developed in other jurisdictions.

Recommendation 25: Consider developing a formal succession planning process to ensure knowledge, skills, and experience of the current workforce is captured and able to be transferred to new recruits.

Recommendation 26: Leverage guidance material developed by other jurisdictions, particularly for industries and programs that have received limited attention in the ACT.

Recommendation 27: Increase the visibility of the WorkSafe ACT brand on all physical and digital material, uniforms, and vehicles used by WorkSafe ACT.

IMPLEMENTATION

The Review's recommendations were given in-principle support by the ACT Government. In response, the WHS Compliance and Enforcement Reform Program (WHSCERP) project team was established in early 2019 to deliver a program of reforms to implement the Review's recommendations and improve workplace safety standards and performance in the ACT.

The governance arrangements for the WHSCERP included a Steering Committee chaired by Michael Young, with senior representatives from the Chief Minister, Treasury and Economic Development Directorate (CMTEDD), Access Canberra and the Justice and Community Safety Directorate. Regular reporting on progress was also required to the Minister for Workplace Safety and Industrial Relations, the CMTEDD Risk and Audit Committee and the Work Safety Council.

Significantly in October 2019, amendments were made to the *Work Health and Safety Act 2011* to *inter alia*:

- establish WorkSafe ACT as an independent office operating outside of Access Canberra, headed by a Work Health and Safety Commissioner. The WHS Commissioner was established as a statutorily appointed non-public servant with all of the WHS compliance powers that were spread between the Work Safety Commissioner and the Director-General of CMTEDD
- require the development of a compliance and enforcement policy, a strategic plan, and an annual Ministerial Statement of Expectations and a Statement of Operational Intent in response, and
- set up a new ministerial advisory council (the Work Health and Safety Council).

By the end of 2020–21, **22** of the **27** recommendations were completed with, among other work, the establishment of the Office of the Work Health and Safety Commissioner (WorkSafe ACT) as an independent entity from 1 July 2020, and the finalisation of the WorkSafe ACT *Strategic Plan 2020–2024* and *Compliance and Enforcement Policy 2020–2024*.

As of 30 June 2022, the ACT Audit Office confirmed that the relevant accountability indicator had been achieved and all **27** of the Review's recommendations were completed. Details of the corresponding implementation activities against the recommendations are provided below.

Compliance framework

According to the Review *"a comprehensive compliance framework describes the regulatory outcomes the regulator is seeking to achieve and clearly articulates why regulatory compliance matters.[1]"*

It was through this lens that recommendations 1-6 were made to ensure that WorkSafe ACT would have a comprehensive suite of documents to guide compliance and enforcement activities into the future.

---

[1] Nous Group, *Independent review of the ACT's work safety compliance infrastructure, policies, and procedures, Aug 2018*, accessed at https://www.cmtedd.act.gov.au/__data/assets/pdf_file/0003/1270677/Independent-review-of-ACTs-work-safety.pdf

	RECOMMENDATION	IMPLEMENTATION	MEASUREMENT OF SUCCESS
1	Be clear what comprises the Compliance Framework documents, how the suite of documents fits together, and how they are applied.	This recommendation was implemented in part through a thorough review of the entire suite of documents used by WorkSafe ACT and articulating these in a document hierarchy to demonstrate the status of each level of document within the compliance governance framework. More fundamentally the recommendation was met through the publication of WorkSafe's *Compliance and Enforcement Policy 2020–2024* (see recommendation 2).	Acceptance by the WHSCERP Steering Committee of the document hierarchy.
2	Review the WorkSafe ACT Compliance Framework to ensure it clearly articulates the regulatory approach and provides clarity on what is meant by the risk-based approach and how it is applied.	This recommendation was implemented by producing a *Compliance and Enforcement Policy 2020–2024* to address the regulatory approach, clarify the risk-based approach and how it is applied. The policy was reviewed and approved by the WHS Commissioner and subsequently notified on 22 October 2020.	Publication of the notifiable instrument NI2020-681 *Work Health and Safety (Office of the Work Health and Safety Commissioner) Compliance and Enforcement Policy 2020-2024* on the ACT legislation website. Outcomes from this recommendation also deliver activities under recommendations 3, 16 and 17.
3	Articulate how the range of tools will be used, and in what circumstances, to provide clear guidance to regulated parties as to what to expect and to inform staff so there is consistent practice.	This recommendation has been addressed through the implementation of recommendation 2.	Outcomes from this recommendation also deliver activities under recommendation 2.

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RECOMMENDATION	IMPLEMENTATION	MEASUREMENT OF SUCCESS
4 Review and update policies and procedures to ensure they align with the Compliance Framework and establish a process and assign responsibility for keeping all documents current.	This recommendation has been implemented through a review all SOPs and the establishment of a Quality, Coaching and Systems (QCS) team to undertake systematic review and update. The NOUS Group has undertaken a systemic review of WorkSafe ACT's SOPs to ensure completeness, readability and consistency.	SOP review complete and independently assessed by NOUS Group in 2022. QCS established in 2021-22 to manage the ongoing review, approval, update and associated training of each SOP (covering all aspects of WorkSafe ACT operations including corporate).
5 Finalise and publish the WorkSafe ACT Strategic Business Plan 2018-22 and the WorkSafe ACT Industry Stakeholder Communications Strategy 2018/19, and ensure they align with the Compliance Framework.	This recommendation has been implemented by developing the *Strategic Plan 2020–2024*. The Plan was approved by the WHS Commissioner and subsequently notified on 22 October 2020. A Communication and Stakeholder Engagement Strategy was created and implemented in November 2020 following the endorsement by WorkSafe ACT's Senior Leadership Team (SLT).	The outcome was measured by the publication of the notifiable instrument NI2020-680 *Work Health and Safety (Office of the Work Health and Safety Commissioner) Strategic Plan 2020-2024* on the ACT legislation website. NOUS Group is undertaking a comprehensive review of stakeholder engagement across all of WorkSafe ACT's legislative responsibilities to ensure appropriate on-going engagement.
6 Update the Strategic Business Plan annually to articulate compliance and enforcement priorities and measures.	The *Strategic Plan 2020–2024* was developed and notified in 2020. It will be reviewed every four years or following changes in national priorities through the *Australian Work Health and Safety Strategy 2012-2022*. As required by the WHS Act 2011, WorkSafe ACT notifies an annual Statement of Operational Intent following receipt of the Minister's Statement of Expectations.	The outcome was measured by the publication of the notifiable instrument NI2020-680 *Work Health and Safety (Office of the Work Health and Safety Commissioner) Strategic Plan 2020-2024*.

Appropriate and effective compliance and enforcement

In considering the risk-based approach that WorkSafe ACT was using to shape compliance and enforcement activities, the Review concluded that the collection and use of data, supported by appropriate systems, is fundamental to effective compliance targeting and resourcing. The strategic planning process in place at the time of the Review offered a good foundation to establishing an intelligence and strategy-led approach to informing the program of work and priority areas of focus.

Recommendations 7-9 were aimed at strengthening the foundation of data integrity and information sharing. In response to the recommendations WorkSafe ACT procured and implemented the use of a new case management system (SalesForce) in October 2020.

Data collected from SalesForce and analysed, along with emerging trends; community, industry and union collaboration; and nationally agreed priorities, informed the development of WorkSafe ACT's strategic enforcement priorities.

Open, transparent and ongoing engagement on the delivery of compliance and enforcement activities under WorkSafe ACT's policies and plans occurs regularly, as the WHS Commissioner participates in a range of forums, including the WHS Council and the Heads of Workplace Safety Authorities (HWSA) and as an observer at Safe Work Australia.

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RECOMMENDATION	IMPLEMENTATION	MEASUREMENT OF SUCCESS
7 Create a process and assign responsibility for data collection, collation and use to inform strategic priorities, programs and activities, resource allocation and performance, and outcomes measurement and reporting.	WorkSafe ACT established a process for data collection and reporting through the development and implementation of the new case management system (SalesForce), the establishment of a strategy team and the engagement of data analysts.	SalesForce was successfully implemented and has been operational since 9 October 2020. The data collected by SalesForce is used for various internal and external reporting activities including statistic reports provided to the Minister's office, monthly compliance and enforcement updates, data snapshots on key WHS issues, and fortnightly messages from the WHS Commissioner to all WorkSafe ACT staff. Outcomes from this recommendation also deliver activities under recommendation 15. WorkSafe ACT has engaged two specialist data analysts and an Assistant Director responsible for SalesForce.

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RECOMMENDATION	IMPLEMENTATION	MEASUREMENT OF SUCCESS
8 Ensure WorkSafe ACT has the capability and knowledge to effectively use the current systems and the data analytics services available to them.	This recommendation was implemented through the WorkSafe ACT Capability Framework which was approved by the WHS Commissioner on 14 December 2021. The Capability Framework directly addresses this recommendation and addresses concerns raised in the Review to improve organisational capability by increasing individual skill levels and competency across the Agency, but particularly inspectors and investigators. In short, developing and implementing the framework will mitigate the regulatory risks of either under-trained inspectors, or an inability to demonstrate appropriate training in an enforcement or prosecutorial capacity. It also follows that consistent training will promote a consistent approach to compliance and enforcement activities across the inspectorate.	WorkSafe ACT is implementing the Capability Framework through a comprehensive training program which covers both existing and new employees. The QCS team is developing and delivering a bespoke regulatory training program through internal and external sources. QCS is also responsible for ensuring: • ongoing review and update of the SOPs and manuals • SOPs and manuals are available to all staff via a Sharepoint site • the content of the SOPs and manuals are incorporated in the training program, and • ensuring any changes as a result of legislative amendment, court or commission decisions or national policy change are included in the training program. This also applies to recommendations 18, 24 and 25.
9 Formalise an approach to sharing of information among and between regulators to better inform compliance targeting, responses, and to reduce burden for business.	This recommendation was implemented by regular participation in various relevant regulatory body meetings by the WHS Commissioner.	The WHS Commissioner actively participates in various local and national regulatory body meetings and is a member of HWSA and an observer on Safe Work Australia. The Commissioner also maintains a close relationship with the ACT WHS Council.

Stakeholder engagement

In relation to stakeholder engagement, the Review found that there was opportunity to improve both the education and engagement activities of WorkSafe ACT, and the use of inspections and enforcement tools.

It was recommended that making data transparent and accessible would enable stakeholders to work collaboratively with WorkSafe ACT to address and improve WHS in the Territory. It was also considered that a strategic approach to community engagement, through presentations and Q&A sessions would achieve better outcomes.

This strategic approach would also be informed by data and intelligence, identifying an aligned program of work and priority areas of focus. Recommendations 10-18 address the activities required to continue building stakeholder relationships through openness, transparency, and collaboration.

In response to this set of recommendations, WorkSafe ACT launched a new, dedicated website in September 2020, providing a range of information and guidance materials to the public. A specialist Communications Team was also established, to ensure that the website was kept updated and media releases and events could be delivered in support of strategic outcomes.

One such event was held in June 2022, for the launch of the updated *Residential Construction Strategy for 2022-2024*. Data analysis had shown that the most common offences in the sector had not changed over the course of the previous strategy. This process of analysis informed the decision to revise and launch the 2022-24 strategy.

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RECOMMENDATION	IMPLEMENTATION	MEASUREMENT OF SUCCESS
10 Create more information and guidance material and make it more accessible through a WorkSafe ACT dedicated website.	This recommendation has been implemented by decommissioning the old WorkSafe ACT website from under Access Canberra and developing a new, dedicated WorkSafe ACT website. WorkSafe Act also established a dedicated Communications Team to regularly update the website.	The dedicated WorkSafe ACT website was launched in September 2020, providing WHS related information and guidance material to the public including safety checklists, workplace safety posters and WHS related videos. Information is categorised (e.g. hazard, industry) to improve accessibility. The website also includes information produced by Safe Work Australia and other WHS regulators.
11 Plan community and business engagement activities as part of the strategic approach to addressing priority industries, injuries, and cohorts.	This recommendation was linked to recommendation 20 and has been implemented by establishing the Communication and Stakeholder Engagement Strategy. WorkSafe ACT engaged with various stakeholders to organise a wide range of collaborative and educational events to promote public awareness for WHS related matters.	Along with Stakeholder Engagement Strategy, this recommendation was measured by the number of events and engagement activities during the 2020-21 financial year. Examples of events organised by WorkSafe ACT included: • Residential construction forum • People at Work (PAW) event • Healthier Work Networking Breakfast, and • Safety alerts. The Communications and Engagement Strategy was endorsed by the WorkSafe ACT Senior Leadership Team (SLT) and approved by the WHS Commissioner.
12 Communicate about incident and enforcement outcomes sooner.	This recommendation has been implemented by providing the following sections in the new WorkSafe ACT website: • media releases to communicate incident, and • dedicated section for enforcement outcomes. A dedicated Communications Team was established in WorkSafe ACT to manage media releases and maintain the currency of the information on the website.	The dedicated WorkSafe ACT website includes sections to provide timely communications associated with incidents and enforcement outcomes to stakeholders and the public. The history of media releases also demonstrates that there was more focus on communicating about incident and enforcement outcomes in 2020-21 (7+) compared to 2019-20 (3).

RECOMMENDATION	IMPLEMENTATION	MEASUREMENT OF SUCCESS
13 Make data publicly available to enable stakeholders to use the information to inform their work health and safety programs.	This recommendation has been implemented by providing information on WHS programs on the dedicated WorkSafe ACT website. A data analyst was employed at the beginning of the 2020-21 financial year to provide statistics around WorkSafe ACT's operational activities for internal/external reporting purposes.	The recommendation was assessed as closed based on the following information being provided on the WorkSafe ACT website: • information on WHS programs such as Operation Safe Prospect • statistics regarding enforcement outcomes are collected via SalesForce by the data analyst and included in media releases, and • information on licences issued by WorkSafe ACT to assist stakeholders and the public for making informed decisions • monthly compliance and enforcement updates. Outcomes from this recommendation also deliver activities under recommendation 15.
14 Continue to increase proactive inspections in the construction industry and conduct more inspections in other priority industries.	WorkSafe ACT's priority industries, including the construction industry, have been identified and notified through the *Strategic Plan 2020-2024* and the *Statement of Operational Intent 2020* (replaced by the WorkSafe ACT's *Statement of Operational Intent 2021*). Proactive inspection plans were set with a focus on identified priority industries through 2020-21. Operational efficiency is measured through analysis of data collected via SalesForce.	WorkSafe ACT improved proactive inspections in priority industries addressed in the *Compliance and Enforcement Policy 2020–2024* and the *Strategic Plan 2020-2024*. For example, proactive residential construction site inspections were conducted under the banner of Operation Safe Prospect. These inspections were followed by timely media release to communicate to the public. Improved operational efficiency has been demonstrated through the number of inspections conducted and respective notices issued: • **2020-21**: 428 inspections with 538 issued notices, and • **2019-20**: 97 inspections with 119 issued notices. This outcome was the result of improved compliance planning and increased efficiency in the process of issuing notices, which was supported by SalesForce.

RECOMMENDATION	IMPLEMENTATION	MEASUREMENT OF SUCCESS
15 Report on the use of advice and guidance as a tool to inform when it was used, when non-compliance was identified, and the agreed response - to form part of the data set for future targeting.	Implementation activities related to this recommendation were linked to activities under recommendations 7 and 13.	Recruitment of a data analyst and additional policy staff was an important first step in the implementation of this recommendation and was agreed by the Steering Committee. Staff training on the use of SalesForce was provided during implementation, with training videos available for all WorkSafe ACT staff. This recommendation has been assessed as closed when recommendations 7 and 13 were closed.
16 Confirm the appropriate use of tools to reinforce the purpose and importance of the use of notices to address breaches.	The *Compliance and Enforcement Policy 2020–2024* includes clear guidance on the appropriate use of tools to reinforce the purpose and importance of notices to address breaches.	This recommendation was addressed through the implementation of recommendation 2.
17 Confirm the appropriate use of enforceable undertakings and encourage increased use.	The *Compliance and Enforcement Policy 2020–2024* includes clear guidance on the appropriate use of enforceable undertakings. Updated guidance material was published to support the Policy.	This recommendation was addressed through the implementation of recommendation 2.
18 Continue to improve procedures and expand investigative skills to support successful enforcement outcomes.	This recommendation has been addressed through the implementation of recommendation 8.	Outcomes from this recommendation also deliver activities under recommendations 8, 24 and 25.

Governance

The Review considered a range of options for an effective governance framework to implement at WorkSafe ACT. Consideration was given to the outcomes of previous reviews, and models that are used in other jurisdictions and by other regulators. It was considered that the most appropriate governance framework would be one that provided independence for the WHS regulator with a single Commissioner.

In response to this suite of recommendations, WorkSafe ACT developed a tailored Governance Framework (the framework) to provide robust and coherent arrangements for decision-making, accountability, and organisational management. In addition, the framework – delivered through the WorkSafe ACT structure, delegations and supporting standard operating procedures – is intended to build a strong organisational culture of accountability.

The framework is designed to ensure that all officers within WorkSafe ACT understand their accountabilities. Each officer has legislated responsibilities as a member of the ACT Public Service under the *Public Sector Management Act 1994* and *Public Sector Management Standards 2016*, and where applicable, as a delegate or appointed inspector of the WHS Commissioner.

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	RECOMMENDATION	IMPLEMENTATION	MEASUREMENT OF SUCCESS
19	Produce a detailed annual report that includes a list of activities; including details of completed investigations and actions taken against private and public workplaces, and financial information.	As part of the Review, stakeholders, particularly unions, provided feedback which indicated that, as WorkSafe ACT was an administrative unit within Access Canberra, insufficient information was available regarding its funding. This included the number of staff and activities, particularly WorkSafe ACT compliance and enforcement activities.	In October 2019, amendments to the *Work Health and Safety Act 2011* required the preparation of a separate annual report by WorkSafe ACT. The preparation of annual reports is required under section 2.41 of the *Work Health and Safety Act 2019* and therefore it is a legislative obligation which supersedes the recommendation. WorkSafe ACT's annual reports are published on its *webpage*.
20	Establish more effective collaborative arrangements with stakeholders to assist with the development and delivery of programs and activities to improve the reach of information and education materials.	This recommendation was linked to recommendation 11 and has been implemented by establishing the Communication and Stakeholder Engagement Strategy. WorkSafe ACT engaged with various stakeholders to organise a wide range of collaborative and educational events to promote public awareness for WHS related matters.	Along with the Stakeholder Engagement Strategy, this recommendation was measured by the number of events and engagement activities during the 2020-21 financial year. Examples of events organised by WorkSafe ACT included: • Residential construction forum • PAW event • Healthier Work Networking Breakfast, and • Safety alerts. The Communications and Engagement Strategy was endorsed by the WorkSafe ACT Senior Leadership Team (SLT).
21	Establish WorkSafe ACT as an entity under the WHS Act using a single accountability governance model in which a Commissioner is appointed as the regulatory authority and is accountable for all regulatory decisions.	In addition to the WHS Commissioner's appointment, the Office of Work Health and Safety Commissioner (OWHSC) was established as a prescribed territory authority on 1 July 2020.	Publication and enaction of the following, resulted in the closure of this recommendation: • notification of the WHS Amendment Act • appointment of the WHS Commissioner, and • establishment of the OWHSC.

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Organisational structure

To support the recommended governance model and a separate, independent Commissioner, the Review recommended a change to the existing organisational structure. The recommended structure provided dedicated strategy, planning and program development resources, to ensure WorkSafe ACT is a strategy and intelligence-led organisation.

The proposed structure included resources that focus on education and information, including guidance materials and website development and maintenance.

In addressing these recommendations, WorkSafe ACT has changed its structure, including a specialist Communications Team, the Quality, Coaching and Systems (QCS) Team, and recruitment of specialist data officers. This implementation also included establishing independent financial functions, as well as HR systems.

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RECOMMENDATION	IMPLEMENTATION	MEASUREMENT OF SUCCESS
22 Consider the proposed structure for WorkSafe ACT, to support the proposed governance model, including costing proposed changes.	This recommendation has been implemented by seeking funding for the proposed organisational structure through the 2019-20 mid-year review budget process.	The proposed structure recommended by the Review was agreed and implemented by the WHS Commissioner, with funding support for the proposed structure agreed through the Budget appropriation process.
23 Establish formal arrangements to define requirements and service expectations of all functions to be provided by other agencies.	Finance and Business Service manager from ACT Shared Services assisted WorkSafe ACT's Finance Director and Assistant Director to identified entity's requirements and service expectations.	The necessary business and finance functions were established by mid-October 2020, including: • bank accounts • finance reporting system • invoice process system and HR system • ASIC search access • SG Fleet, and • set up inboxes and distribution lists. The completion of the 2020-21 financial statements demonstrated that the necessary financial reporting functions have been established.

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Operational effectiveness

In considering the appropriate organisational structure for WorkSafe ACT, the Review recommended that in support of full operational effectiveness, it would be beneficial to improve training and induction for WorkSafe ACT staff. This would focus on change management, improving internal communication and promote better collaboration with stakeholders, both internal and external.

As with recommendations 8 and 18, this suite of recommendations was largely addressed through the development of the Capability Framework and the establishment of the QCS Team. Working to deliver the Capability Framework, the QCS Team is increasing the capability of staff in a systematic and organised manner, including delivering a consistent induction program – as both an ACT public servant and regulatory officer.

WorkSafe ACT has also increased its visibility with the establishment of a specialist Communications Team, who have worked to develop consistent application of branding across digital media, merchandise, and in collaboration with the Corporate Team, uniforms, and branding for WorkSafe ACT motor vehicles used for operational activities.

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RECOMMENDATION	IMPLEMENTATION	MEASUREMENT OF SUCCESS
24 Consider developing a formal and comprehensive internal training and development program, leveraging similar programs developed in other jurisdictions.	This recommendation has been addressed through the implementation of recommendation 8.	Outcomes from this recommendation also deliver activities under recommendations 8, 18 and 25.
25 Consider developing a formal succession planning process to ensure knowledge, skills, and experience of the current workforce is captured and able to be transferred to new recruits.	This recommendation has been addressed through the implementation of recommendation 8.	Outcomes from this recommendation also deliver activities under recommendations 8, 18 and 24.
26 Leverage guidance material developed by other jurisdictions, particularly for industries and programs that have received limited attention in the ACT.	This recommendation led WorkSafe ACT to utilise existing guidance material produced by other jurisdictions and Safe Work Australia developing the *Strategic Plan 2020-2024*, the *Statement of Operational Intent* and new website content. WorkSafe ACT has reviewed and identified the guidance materials and information from the other jurisdictions which were relevant and appropriate to reference.	The relevant material and information have been linked to the new WorkSafe ACT website. WorkSafe ACT has built into its procedures the assessment and review of material produced by Safe Work Australia and other WHS, workers' compensation and Labour Hire Licensing regulators, and continues to both link to and share this information with stakeholders.

RECOMMENDATION	IMPLEMENTATION	MEASUREMENT OF SUCCESS
27 Increase the visibility of the WorkSafe ACT brand on all physical and digital material, uniforms, and vehicles used by WorkSafe ACT.	External designers were engaged to create WorkSafe ACT branding to be approved by the WHS Commissioner. This has since been incorporated in digital material including the website, uniforms, motor vehicles and other uses to increase visibility of the WorkSafe ACT brand.	Branded uniforms have been provided to all operational staff, and corporate staff for use at external-facing events. Branding has also been used on digital assets, including the website, social media and templates (including media releases, briefing papers and compliance and enforcement notices). Branding has successfully been used on WorkSafe ACT motor vehicles, as well as merchandise used at events including conferences.

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