



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 2026-185
Date of Application	10 July 2026
Date of Decision	24 August 2026
Processing time (in working days)	31
Fees	N/A
Decision on Access	Partial Release
Information Requested (summary)	documents held by WorkSafe ACT concerning the use of Preliminary Assessments, Professional Standards processes, misconduct processes, workplace behaviour processes, or similar conduct-related processes involving WorkSafe ACT employees.
Publication Details	
Original application	☒ Published ☐ N/A
Decision notice	☒ Published ☐ N/A
Documents and schedule	☒ Published ☐ N/A
Decision made by Ombudsman	N/A
Additional information identified by Ombudsman	N/A
Decision made by ACAT	N/A
Additional information identified by ACAT	N/A

Freedom of Information (FOI) request - Submission confirmation

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

Date and time

10 Jul 2026 9:41:30 AM

Reference code

WVL673F6

Chief Minister, Treasury and Economic
Development Directorate (CMTEDD)

GPO Box 158
Canberra City, ACT 2601

Phone: 6207 7754
CMTEDDFOI@act.gov.au

Applicant information

☒ I want to submit this request anonymously

Assistance

Do you need assistance with preparing your request?

☐ Yes

☐ No

Do you need an interpreter?

☐ Yes

☐ No

Contact details

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

Phone number

Email address

Address line 1

Address line 2

Suburb

State

Postcode

Help us direct your request

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

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

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

Directorate or agency*

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

Request for

To help us process your request:

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

Scope of your request

What information are you requesting access to?*

Dear Freedom of Information Officer,

I request access under the Freedom of Information Act 2016 (ACT) to documents held by WorkSafe ACT concerning the use of Preliminary Assessments, Professional Standards processes, misconduct processes, workplace behaviour processes, or similar conduct-related processes involving WorkSafe ACT employees. The relevant period for this request is 1 January 2020 to the date of this request.

For this request, "Preliminary Assessment" includes any preliminary assessment, initial assessment, threshold assessment, scoping assessment, or equivalent process used before deciding whether to commence misconduct, Professional Standards, workplace behaviour, or other conduct-related action.

For this request, "similar conduct-related processes" means any recorded process used to assess, investigate, manage, or respond to alleged misconduct, workplace behaviour concerns, inappropriate conduct, code of conduct concerns, or alleged breaches of ACTPS conduct obligations.

I request access to existing reports, registers, spreadsheets, dashboards, extracts, briefings, file notes, emails, or other records sufficient to show, in aggregated and de-identified form:

1. the number of Preliminary Assessments commenced involving WorkSafe ACT employees, broken down by calendar year or financial year;
2. the number of Professional Standards referrals, misconduct processes, workplace behaviour processes, or similar conduct-related processes commenced involving WorkSafe ACT employees, broken down by calendar year or financial year;
3. the recorded outcomes of those processes, including where available:
 - a. no further action;
 - b. informal action;
 - c. formal misconduct action;
 - d. a finding being made;
 - e. no finding being made;
 - f. resignation before finalisation;
 - g. transfer before finalisation;
 - h. workers compensation claim lodgement before or during the process, where this is recorded in an existing report, register, spreadsheet, briefing, or case management record; or
 - i. another recorded outcome;
4. the broad recorded category, reason, allegation type, or subject matter for those processes, in aggregated and de-identified form;
5. any trend report, dashboard, briefing, review, email, file note, advice, or other record concerning the frequency, pattern, use, impact, appropriateness, fairness, or consistency of Preliminary Assessments, Professional Standards processes, misconduct processes, workplace behaviour processes, or similar conduct-related processes within WorkSafe ACT;
6. any policy, procedure, guidance, template, checklist, instruction, training material, or practice note used by WorkSafe ACT in relation to Preliminary Assessments, Professional Standards processes, misconduct processes, workplace behaviour processes, or similar conduct-related processes; and
7. any record showing concern, review, escalation, assurance activity, recommendation, proposed recommendation, action taken, or decision not to act concerning whether those processes were being used appropriately, consistently, or fairly within WorkSafe ACT.

I do not seek names, personal allegations, private information, medical information, individual investigation files, legally privileged material, or the substantive content of individual employee matters.

This request is directed to Preliminary Assessments, Professional Standards processes, misconduct processes, workplace behaviour processes, and similar conduct-related processes. It is not intended to duplicate broader workforce or workers compensation data requested separately, except to the extent such information is recorded as an outcome or related status of those conduct-related processes.

If any category contains a small number that may identify an individual, I request that the category be combined with another category or described more generally.

I do not request the creation of a new statistical report. If exact data is not available, I request the nearest available recorded data held by WorkSafe ACT, including any existing report, register, spreadsheet, dashboard, extract, briefing, or other record that contains the information requested.

This request includes records held in HR records, Professional Standards records, employee relations records, workplace relations records, email, Microsoft Teams, Objective, TRIM, briefing material, file notes, spreadsheets, registers, dashboards, case management systems, or equivalent systems.

If any document contains exempt, irrelevant, or personal information, I request that this information be redacted and that access be provided to the remaining information.

If narrowing is required, I ask that priority be given to:

1. annual totals for Preliminary Assessments involving WorkSafe ACT employees;
2. annual totals for Professional Standards, misconduct, workplace behaviour, or similar conduct-related processes involving WorkSafe ACT employees;
3. recorded outcomes of those processes in aggregated and de-identified form;
4. any trend reports, dashboards, briefings, reviews, or advice concerning the use, frequency, fairness, consistency, or impact of those processes; and
5. any policy, procedure, guidance, template, checklist, instruction, or practice note used for those processes.

If you consider that any part of this request requires clarification or may involve an unreasonable processing burden, please contact me before making any decision to refuse or narrow the request so that I can assist in refining the scope.

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.



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

"I request access under the Freedom of Information Act 2016 (ACT) to documents held by WorkSafe ACT concerning the use of Preliminary Assessments, Professional Standards processes, misconduct processes, workplace behaviour processes, or similar conduct-related processes involving WorkSafe ACT employees. The relevant period for this request is 1 January 2020 to the date of this request. For this request, "Preliminary Assessment" includes any preliminary assessment, initial assessment, threshold assessment, scoping assessment, or equivalent process used before deciding whether to commence misconduct, Professional Standards, workplace behaviour, or other conduct-related action. For this request, "similar conduct-related processes" means any recorded process used to assess, investigate, manage, or respond to alleged misconduct, workplace behaviour concerns, inappropriate conduct, code of conduct concerns, or alleged breaches of ACTPS conduct obligations. I request access to existing reports, registers, spreadsheets, dashboards, extracts, briefings, file notes, emails, or other records sufficient to show, in aggregated and de-identified form:

- 1. the number of Preliminary Assessments commenced involving WorkSafe ACT employees, broken down by calendar year or financial year;*
- 2. the number of Professional Standards referrals, misconduct processes, workplace behaviour processes, or similar conduct-related processes commenced involving WorkSafe ACT employees, broken down by calendar year or financial year;*
- 3. the recorded outcomes of those processes, including where available:*
 - a. no further action;*
 - b. informal action;*
 - c. formal misconduct action;*
 - d. a finding being made;*
 - e. no finding being made;*
 - f. resignation before finalisation;*
 - g. transfer before finalisation;*
 - h. workers compensation claim lodgement before or during the process, where this is recorded in an existing report, register, spreadsheet, briefing, or case management record; or*
 - i. another recorded outcome.*
- 4. the broad recorded category, reason, allegation type, or subject matter for those processes, in aggregated and de-identified form;*

5. any trend report, dashboard, briefing, review, email, file note, advice, or other record concerning the frequency, pattern, use, impact, appropriateness, fairness, or consistency of Preliminary Assessments, Professional Standards processes, misconduct processes, workplace behaviour processes, or similar conduct-related processes within WorkSafe ACT;

6. any policy, procedure, guidance, template, checklist, instruction, training material, or practice note used by WorkSafe ACT in relation to Preliminary Assessments, Professional Standards processes, misconduct processes, workplace behaviour processes, or similar conduct-related processes; and

7. any record showing concern, review, escalation, assurance activity, recommendation, proposed recommendation, action taken, or decision not to act concerning whether those processes were being used appropriately, consistently, or fairly within WorkSafe ACT.”

On 30 July 2026, you were contacted in relation to limiting the date range of your scope to information from years 2022, 2023 and 2024 as per the advice we received from our business unit. Further to this on 3 August 2026, the application was suspended pending scope clarification.

On 10 August 2026, you gave valid reasons to why you did not agree to the scope clarity. You were advised that the processing of your request was resuming from that day.

Authority

I am an Information Officer appointed by the CMTEDD Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CMTEDD is required to provide a decision on your access application within 30 days.

Therefore, a decision is due by **28 August 2026**.

Decision on access

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

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

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

Release of documents

The information is being released to you as an appendix to this notice. Refer **Appendix A**.

Statement of Reasons

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

- the Act
- the information that falls within the scope of your request
- *Health Records (Privacy and Access) Act 1997*
- *Information Privacy Act 2014*
- *Human Rights Act 2004*

- Correspondence with you.

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.

Scope

Preliminary assessments and allegations of misconduct are personal and can contain sensitive information regarding the complainant and the person whom the complaint is about. In communications with you on the scope you indicated the information you are seeking was to help you to identify trends, patterns, changes in use etc.

Based on the wording of your scope of requested information, and scope clarification correspondence with you, I have interpreted the scope of this access application to be for statistical information rather than actual documents about other people's preliminary assessments.

Exemptions claimed

Schedule 1: Information taken to be contrary to the public interest.

No Schedule 1 factors were identified.

Public Interest Test

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interest lies. As part of this process, I must consider factors favouring disclosure and nondisclosure.

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

Schedule 2: Factors to be considered when deciding the public interest

Taking into consideration the information within scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the 'public interest'.

Factors favouring disclosure (Sch 2, s 2.1)

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

As you have requested statistical information relating to the ACT Public Service (ACTPS), specifically WorkSafe ACT, I consider that disclosure of the requested information may contribute to informed public debate on a matter of public interest, namely the use of Preliminary Assessments to inform decision-making and the consequences arising from certain workplace behaviours. I am satisfied that these factors favouring disclosure carry

some weight. However, these factors are to be balanced against the factors favouring nondisclosure.

Factors favouring nondisclosure (Sch 2, s 2.2)

- *Section 2.2(a)(ii) - prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*

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

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

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

Charges

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

Online publishing – Disclosure Log

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

Your original access application and my decision will be published on the CMTEDD disclosure log. Your personal contact details will not be published.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is provided to you, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601
Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact the CMTEDD FOI Team by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'K Stuart', is positioned below the 'Yours sincerely' text.

Katharine Stuart
Information Officer
Chief Minister, Treasury and Economic Development Directorate
24 August 2026

Appendix A

Certain exact figures have been withheld pursuant to section 17 of the *Freedom of Information Act 2016* on the basis that their disclosure would be contrary to the public interest. Further information is provided in the Decision Notice.

Assessment type	2020	2021	2022	2023	2024	2025	2026
Number of preliminary assessments by year:	<10	<10	<10	11	<5	<5	<5
Reason for preliminary assessment:							
• Bullying		<5	<5			<5	<5
• Misconduct	<10	<5	<5	<10	<5	<5	
• Inappropriate behaviour		<5	<5	<5	<5		
Outcomes of preliminary assessments by year:							
• Professional standard referral	<5	<5		<5		<5	
• Formal counselling	<5	<5	<5	<5		<5	
• Mediation	<5	<5	<5	<5	<5		
• No finding	<5		<5	<5	<5	<5	<5
• Informal action				<5	<5		
• Resignation before finalisation				<5			
Of the preliminary assessments, did any of the people involved do the following after the assessment:							
• Resign	<5			<5		<5	
• Transfer							
• Workers compensation claim			<5				

The following instruments were considered in the processing and determination of the various Preliminary Assessments and their outcomes:

- Clause H2 –of the [ACT Public Sector Technical and Other Professional Enterprise Agreement 2018-2021](#)(the Agreement)
- [ACTPS Code of Conduct, Signature Values and Behaviour](#)
- [Respect, Equity and Diversity \(RED\) Framework](#)

- Section H of the [*ACT Technical and Other Professional Enterprise Agreement 2023- 2026*](#) (the Agreement).
- G2 of the [*ACT Public Sector Technical and Other Professional Enterprise Agreement 2023-2026*](#) (the Agreement)
- Section 14 of the [Territory Records Act 2002](#)