



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 2026-237
Date of Application	20 August 2026
Date of Decision	9 September 2026
Processing time (in working days)	14
Fees	N/A
Decision on Access	Partial Release
Information Requested (summary)	Preliminary Assessment information.
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 3:43:05 PM

Reference code

DGWCRRHS

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 CMTEDD FOI Team,

Freedom of Information Request

I request access under the Freedom of Information Act 2016 (ACT) to existing documents and records held by CMTEDD, including WorkSafe ACT, concerning the governance, use and aggregate outcomes of Preliminary Assessments involving WorkSafe ACT employees.

This request follows information released in CMTEDDFOI 2024-220, which recorded 49 Preliminary Assessments concerning WorkSafe ACT employees between 2020 and 15 July 2024.

The same FOI recorded that those Preliminary Assessments arose from management-initiated processes, complaints from staff about other staff and complaints from external stakeholders, and resulted in a range of outcomes including no further action, formal counselling, referral to the Professional Standards Unit, dismissal and unresolved matters where an employee left the ACT Public Service before finalisation.

The CPSU correspondence of 24 May 2023 concerning psychosocial risk at WorkSafe ACT also raised concerns about the operation of the Preliminary Assessment process.

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

I do not seek individual Preliminary Assessment files or information identifying individual employees. My request concerns the systemic governance, aggregate use and organisational oversight of the process.

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

1. Preliminary Assessment policies, procedures and governance

The policy, procedure, guidance, instruction, template, decision framework or other document actually governing the commencement and conduct of Preliminary Assessments involving WorkSafe ACT employees during the relevant period.

This includes documents sufficient to show:

- a. the purpose of a Preliminary Assessment;
- b. the circumstances in which one may be commenced;
- c. any evidentiary or information threshold for commencing one;
- d. who may recommend, authorise or approve commencement;
- e. any delegation or approval requirement;
- f. requirements concerning procedural fairness or natural justice;
- g. requirements concerning conflicts of interest or independence;
- h. possible outcomes available following a Preliminary Assessment; and

i. any requirement to consider psychosocial risk or employee wellbeing when deciding whether or how to conduct the process.

Where the applicable process changed during the relevant period, I request the materially different versions and documents sufficient to identify when the change took effect.

2. Annual Preliminary Assessment statistics

Any existing report, spreadsheet, database extract, dashboard or other record sufficient to show, for each financial or calendar year during the relevant period:

- a. the number of Preliminary Assessments commenced involving WorkSafe ACT employees;
- b. the number initiated as a management-initiated process;
- c. the number arising from a complaint from another staff member;
- d. the number arising from a complaint from an external stakeholder;
- e. the number resulting in:

no further action;
formal counselling;
referral to the Professional Standards Unit or equivalent;
financial or other disciplinary sanction;
dismissal;
unresolved or discontinued outcome; and
any other recorded outcome category.

Where information is already recorded in another categorisation, I am content to receive the categories used in the existing record.

3. Duration of Preliminary Assessments

Any existing aggregate report, spreadsheet, system extract or analysis showing:

- a. average or median time from commencement to finalisation;
- b. number of Preliminary Assessments remaining open for more than 30, 60, 90, 180 or 365 days, where such information is already recorded or readily extractable; and
- c. number of Preliminary Assessments that remained unresolved when the employee ceased employment or otherwise left the relevant workplace.

I do not require creation of a new statistical analysis if no such report or system extract exists.

4. Employees subject to multiple Preliminary Assessments

Any existing aggregate record, report or system extract showing:

- a. the number of distinct WorkSafe ACT employees who have been subject to more than one Preliminary Assessment during the relevant period;

- b. where already recorded, the number subject to two, three or more Preliminary Assessments; and
- c. whether any systemic review or management consideration occurred concerning repeated use of the Preliminary Assessment process involving the same employee.

I do not seek employee names or identifying information.

5. Employees leaving during or following Preliminary Assessment processes

CMTEDDFOI 2024-220 recorded unresolved Preliminary Assessments where employees left the ACT Public Service before finalisation.

I request any existing aggregate report, spreadsheet, dashboard, analysis or system extract showing:

- a. the number of employees who resigned, transferred, retired or otherwise ceased employment before a Preliminary Assessment was finalised;
- b. the stage reached by the process at the time of departure, where already recorded in aggregate form;
- c. whether the Preliminary Assessment was subsequently finalised, discontinued or otherwise closed; and
- d. any existing aggregate analysis of employees who resigned, transferred or left WorkSafe ACT within 6 or 12 months following finalisation of a Preliminary Assessment.

I do not require CMTEDD to undertake a new manual matching exercise between personnel and Preliminary Assessment records if no such existing report or system extract is held.

6. Professional Standards referrals

For Preliminary Assessments that resulted in referral to the Professional Standards Unit or equivalent function, I request any existing aggregate record sufficient to show the ultimate disposition of those referrals, including where recorded:

- a. no further action;
- b. counselling or management action;
- c. misconduct finding;
- d. disciplinary sanction;
- e. dismissal;
- f. resignation or departure before completion; and
- g. any other recorded outcome category.

I do not seek individual Professional Standards investigation files.

7. Review following the CPSU concerns raised in May 2023

Documents sufficient to show whether CMTEDD, the Office of Industrial Relations, WorkSafe ACT or another

ACI Government body reviewed, assessed or otherwise considered concerns raised in the CPSU correspondence of 24 May 2023 regarding the operation or use of Preliminary Assessments within WorkSafe ACT.

This includes documents sufficient to show:

- a. whether the concern was examined;
- b. who was responsible for considering it;
- c. any findings or conclusions reached;
- d. whether any systemic, procedural, governance or psychosocial-risk issue was identified;
- e. any recommendation made;
- f. any change considered or implemented to approval requirements, procedures, guidance, training or oversight; and
- g. any decision that no change was required, including the recorded reasons for that decision.

I do not seek information concerning the merits of any identifiable employee's individual Preliminary Assessment.

8. Preliminary Assessments following workplace complaints or protected reporting

Any existing audit, review, briefing, report, risk assessment, analysis or aggregate record concerning the commencement of Preliminary Assessments involving employees who had previously:

- a. made a workplace complaint or grievance;
- b. reported a WHS or psychosocial hazard;
- c. made or sought to make a Public Interest Disclosure;
- d. raised concerns about workplace culture, bullying or harassment; or
- e. otherwise raised a protected or formal workplace concern.

I do not ask CMTEDD to create a new dataset or manually cross-match individual employees.

This paragraph seeks only existing systemic or aggregate records, including any document considering the risk of actual or perceived reprisal, retaliation or inappropriate adverse management action following such reporting.

9. Training, quality assurance and oversight

Documents sufficient to show:

- a. training provided to WorkSafe ACT managers or decision-makers concerning the Preliminary Assessment process;
- b. any quality assurance, audit or compliance review of Preliminary Assessments;

- c. any review of consistency in decisions to commence Preliminary Assessments;
- d. any review of the proportionality or reasonableness of the process;
- e. any identified systemic deficiencies or recurring issues; and
- f. any resulting corrective or improvement actions.

10. Psychosocial-risk considerations

Any policy, guidance, risk assessment, review or other systemic document concerning the potential psychosocial impact of Preliminary Assessments on employees, including consideration of:

- a. psychological health and safety;
- b. duration or delay;
- c. repeated Preliminary Assessments;
- d. uncertainty while an assessment remains unresolved;
- e. communication with affected employees; and
- f. measures intended to reduce or control psychosocial risk during the process.

Scope and privacy

For clarity, this request concerns the systemic operation and governance of Preliminary Assessments within WorkSafe ACT.

I do not seek:

names or identifying information of employees who were subject to Preliminary Assessments;
names or identifying information of complainants or witnesses;
medical or health information;
complete personnel, Preliminary Assessment, disciplinary or Professional Standards files;
the detailed allegations concerning any identifiable individual; or
documents concerning unrelated individual employment matters.

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

Where individual-level data cannot be released, aggregate or de-identified information is sufficient.

I seek existing documents, reports and existing electronic-system extracts only. I do not require CMTEDD or WorkSafe ACT to create a new statistical analysis or manually reconstruct information that is not already recorded.

If no aggregate report or analysis exists in relation to a particular paragraph, I request any existing document sufficient to show whether the issue was considered at a systemic or governance level.

If processing the entire request would otherwise raise substantial-processing concerns, I request that priority be given to paragraphs 1, 2, 5, 7 and 8, and that I be contacted before any decision is made to refuse or substantially restrict the request so that I may consider further narrowing its 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 24 August 2026.

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

The period 1 July 2020 to the date of the application [24/08/2026].

In broad terms, I am seeking:

- *the policies, procedures and guidance governing when Preliminary Assessments are commenced, approved and conducted;*
- *existing aggregate records showing their number, source, duration and broad outcomes;*
- *any existing reports, registers, spreadsheets, system-generated information or other aggregate records, where already held, concerning repeated Preliminary Assessments, employees leaving during or following the process, and referrals to Professional Standards or an equivalent area;*
- *any audit, review, risk assessment or governance assessment of the Preliminary Assessment process;*
- *documents concerning training, quality assurance and oversight of the process; and*
- *any systemic consideration of psychosocial risk, consistency, proportionality, reprisal or retaliation concerns associated with the process.*

I am not seeking individual Preliminary Assessment files or information identifying individual employees, and I am not asking CMTEDD to create new statistics, undertake new analysis or manually cross-match individual records.

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 **1 October 2026**.

Decision on access

Searches for information were undertaken by WorkSafe ACT and the Office of Industrial Relations and Workplace Safety.

Statistical information has been compiled and provided by WorkSafe ACT relating to your scope of requested information, for 1 January 2020 to 15 July 2024, which is attached to this letter at **Appendix A**.

I have decided to partially release this information.

Release of information

Statistical information is attached to this letter at **Appendix A**.

Data from 1 July 2020 to 15 July 2024 is published via [CMTEDDFOI2024-220](https://www.cmteddfoi2024-220).

New statistical data from 15 July 2024 to 24 August 2026 is included in this FOI request.

For the following points:

- *the policies, procedures and guidance governing when Preliminary Assessments are commenced, approved and conducted;*
- *any audit, review, risk assessment or governance assessment of the Preliminary Assessment process;*
- *documents concerning training, quality assurance and oversight of the process; and*
- *any systemic consideration of psychosocial risk, consistency, proportionality, reprisal or retaliation concerns associated with the process.*

documents are publicly available on the ACTPS Employment Portal, via this page:

<https://www.cmtedd.act.gov.au/employment-framework/workplace-behaviours/resolving-workplace-issues>

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
- publicly available information
- *Human Rights Act 2004*

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

- assess whether the information would be contrary to public interest to disclose as per **Schedule 1** of the Act.
- perform the public interest test as set out in section 17 of the Act by balancing the factors favouring disclosure and factors favouring nondisclosure in **Schedule 2** of the Act.

Exemptions claimed

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

No schedule 1 provisions 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)(ii) - contribute to positive and informed debate on important issues or matters of public interest.*

As you have requested information related to management of WorkSafe ACT staff, the information you have requested may contribute to informed debate on matters of public interest, being preliminary assessments of WorkSafe ACT staff.

I am satisfied that this factor favouring disclosure carries some weight. However, this factor is 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.*

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



Emma Hotham

Information Officer
Chief Minister, Treasury and Economic Development Directorate

9 September 2026

Appendix A

Statistical Information

Results of any preliminary assessments of employees at WorkSafe ACT since 15 July 2024 to 24 August 2026.

Figures less than five have been withheld in accordance with schedule 2.2 s2(a)(ii) for the first two tables.

Year	Number of preliminary assessments
2024 (from 15 July 2024 onwards)	<5
2025	<5
2026 (as at 24 August 2026)	<5
Total	8

Reason for preliminary assessments	Number of preliminary assessments
Management initiated process	<5
Complaint from staff about other staff	5
Complaint from an external stakeholder about staff behaviour	<5
Total	8

Preliminary assessments outcomes:

Preliminary assessments outcomes	Number of preliminary assessments
No further action	3
Informal counselling	2
Formal Counselling	0
Referred to Professional Standards Unit	2
Dismissal	0
Unresolved (staff left ACTPS before finalisation)	1
Financial penalty	0
Total	8