

Our reference: CHSFOI24-25.36

Dear [REDACTED]

DECISION ON YOUR ACCESS APPLICATION

I refer to your application under section 30 of the *Freedom of Information Act 2016* (FOI Act), originally received by Canberra Health Service (the Directorate) on Wednesday 28 May 2025, and then a revised scope was agreed on **Tuesday 17 June 2025**.

This application requested access to:

'All WorkSafe ACT or the WorkSafe ACT Commissioner issued provisional improvement notices, improvement notices, prohibition notices, non- disturbance notices, infringement notices or search warrants to Canberra Health Services from 1 January 2021 until 28 May 2025.

Any ministerial briefs or correspondence to the Minister for Health and/or Minister for Mental Health regarding any action or correspondence from WorkSafe ACT to or regarding any building, worker, facility or workplace within Canberra Health Services from 1 January 2021 until 28 May 2025.'

I am an Information Officer appointed by the Chief Executive Officer of the Directorate under section 18 of the FOI Act to deal with access applications made under Part 5 of the Act. The Directorate was required to provide a decision on your access application by 29 July 2025.

I have identified 90 documents holding the information within scope of your access application. These are outlined in the schedule of documents included at Attachment A to this decision letter.

Decisions

I have decided to:

- grant full access to 89 documents; and
- grant partial access to one document.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as Attachment B to this letter.

In reaching my access decision, I have taken the following into account:

- The FOI Act;
- The contents of the documents that fall within the scope of your request; and
- The *Human Rights Act 2004*.

Full Access

I have decided to grant full access to the documents at references 1 - 88 and 90.

Redactions have been made to information not relating to the scope of this application and is redacted as out of scope within the documents at references 84-88.

Partial Access

I have decided to grant partial access to the document at reference 89.

This document contains redactions that have been made to personal information, being mobile numbers of ACT-Government employees.

Public Interest Factors Favouring Disclosure

The following factors were considered relevant in favour of the disclosure of the documents:

- Schedule 2, 2.1 (a)(i) promote open discussion of public affairs and enhance the government's accountability; and
- Schedule 2, 2.1 (a)(ii) contribute to positive and informed debate on important issues or matters of public interest.

Public Interest Factors Favouring Non-Disclosure

The following factors were considered relevant in favour of the non-disclosure of the documents:

- Schedule 2, 2.2 (a)(ii) prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004*;
- Schedule 2, 2.2(a)(xiii) prejudice the competitive commercial activities of an agency.

On balance, the factors favouring disclosure did not outweigh the factor favouring non-disclosure as the redacted information under the test set out in section 17 of the Act. Therefore, I determined the information identified is contrary to the public interest and I have decided not to disclose this information.

Charges

Processing charges are not applicable to this request.

Disclosure Log

Under section 28 of the FOI Act, the Directorate maintains an online record of access applications called a disclosure log. The scope of your access application, my decision and documents released to you will be published in the disclosure log not less than three days but not more than 10 days after the date of this decision.

Please be aware that no personal information will be included in the published information all other information will be published on <https://www.act.gov.au/open/foi-disclosure-logs/act-health-directorate-and-canberra-health-services-disclosure-logs>.

Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the FOI 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 published on the Directorate's disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601
Via email: ACTFOI@ombudsman.gov.au
Website: ombudsman.act.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
Allara House
15 Constitution Avenue
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Further assistance

Should you have any queries in relation to your request, please do not hesitate to contact the FOI Coordinator on (02) 5124 9831 or email HealthFOI@act.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andrew White', with a stylized flourish at the end.

Andrew White
Executive Branch Manager
People & Culture
Canberra Health Services

29 July 2025

FREEDOM OF INFORMATION SCHEDULE OF DOCUMENTS

Please be aware that under the *Freedom of Information Act 2016*, some of the information provided to you will be released to the public through the ACT Government's Open Access Scheme. The Open Access release status column of the table below indicates what documents are intended for release online through open access. Personal information or business affairs information will not be made available under this policy. If you think the content of your request would contain such information, please inform the contact officer immediately. Information about what is published on open access is available online at: <http://www.health.act.gov.au/public-information/consumers/freedom-information>

APPLICANT NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	FILE NUMBER
	1. "All WorkSafe ACT or the WorkSafe ACT Commissioner issued provisional improvement notices, improvement notices, prohibition notices, non-disturbance notices, infringement notices or search warrants to Canberra Health Services from 1 January 2021 until 28 May 2025. 2. Any ministerial briefs or correspondence to the Minister for Health and/or Minister for Mental Health regarding any action or correspondence from WorkSafe ACT to or regarding any building, worker, facility or workplace within Canberra Health Services from 1 January 2021 until 28 May 2025."	CHSFOI24-25.36

Ref Number	Page Number	Description	Date	Status Decision	Factor	Open Access release status
1.	01 - 03	Improvement Notice - N-0000001708	20 July 2021	Full Release		YES
2.	04 - 06	Improvement Notice - N-0000003791	14 April 2022	Full Release		YES
3.	07 - 09	Improvement Notice - N-0000004393	13 June 2022	Full Release		YES
4.	10 - 12	Improvement Notice - N-0000004385	13 June 2022	Full Release		YES
5.	13 - 15	Improvement Notice - N-0000004422	21 June 2022	Full Release		YES

6.	16 - 18	Improvement Notice - N-0000004529	04 July 2022	Full Release		YES
7.	19 - 21	Improvement Notice - N-0000004415	15 June 2022	Full Release		YES
8.	22 - 24	Improvement Notice - N-0000004416	21 June 2022	Full Release		YES
9.	25 - 27	Improvement Notice - N-0000004411	21 June 2022	Full Release		YES
10.	28 - 30	Improvement Notice - N-0000004410	21 June 2022	Full Release		YES
11.	31 - 33	Improvement Notice - N-0000004418	21 June 2022	Full Release		YES
12.	34 - 36	Improvement Notice - N-0000004417	21 June 2022	Full Release		YES
13.	37 - 39	Improvement Notice - N-0000004419	21 June 2022	Full Release		YES
14.	40 - 42	Improvement Notice - N-0000004805	26 July 2022	Full Release		YES
15.	43 - 45	Improvement Notice - N-0000004705	15 July 2022	Full Release		YES
16.	46 - 48	Improvement Notice - N-0000004771	21 July 2022	Full Release		YES
17.	49 - 51	Improvement Notice - N-0000005836	18 October 2022	Full Release		YES
18.	52 - 54	Improvement Notice - N-0000004772	21 July 2022	Full Release		YES
19.	55 - 57	Improvement Notice - N-0000005838	18 October 2022	Full Release		YES
20.	58 - 60	Improvement Notice - N-0000004770	21 July 2022	Full Release		YES
21.	61 - 63	Improvement Notice - N-0000005835	18 October 2022	Full Release		YES
22.	64 - 66	Improvement Notice - N-0000005966	21 October 2022	Full Release		YES
23.	67 - 69	Improvement Notice - N-0000005161	29 August 2022	Full Release		YES
24.	70 - 72	Improvement Notice - N-0000005158	29 August 2022	Full Release		YES
25.	73 - 75	Improvement Notice - N-0000005159	29 August 2022	Full Release		YES
26.	76 - 78	Improvement Notice - N-0000005160	29 August 2022	Full Release		YES
27.	79 - 81	Improvement Notice - N-0000005157	29 August 2022	Full Release		YES
28.	82 - 84	Improvement Notice - N-0000005586	06 October 2022	Full Release		YES
29.	85 - 87	Improvement Notice - N-0000006413	16 November 2022	Full Release		YES

30.	88 - 90	Improvement Notice - N-0000005173	30 August 2022	Full Release		YES
31.	91 - 93	Improvement Notice - N-0000006730	09 December 2022	Full Release		YES
32.	94 - 96	Improvement Notice N-0000006731	09 December 2022	Full Release		YES
33.	97 - 99	Improvement Notice N-0000006736	09 December 2022	Full Release		YES
34.	100 - 102	Improvement Notice N-0000006740	09 December 2022	Full Release		YES
35.	103 - 105	Improvement Notice N-0000006796	20 December 2022	Full Release		YES
36.	106 - 108	Improvement Notice N-0000006729	09 December 2022	Full Release		YES
37.	109 - 111	Improvement Notice N-0000006741	09 December 2022	Full Release		YES
38.	112 - 114	Improvement Notice N-0000007239	08 March 2023	Full Release		YES
39.	115 - 117	Improvement Notice N-0000007238	08 March 2023	Full Release		YES
40.	118 - 120	Improvement Notice Extension N-0000007778	25 March 2023	Full Release		YES
41.	121 - 123	Improvement Notice Extension N-0000008322	23 August 2023	Full Release		YES
42.	124 - 126	Improvement Notice N-0000007262	21 March 2023	Full Release		YES
43.	127 - 129	Improvement Notice N-0000007263	21 March 2023	Full Release		YES
44.	130 - 132	Improvement Notice N-0000008640	20 October 2023	Full Release		YES
45.	133 - 135	Improvement Notice Extension N-0000008941	29 November 2023	Full Release		YES
46.	136 - 138	Improvement Notice N-0000008641	20 October 2023	Full Release		YES

47.	139 - 141	Improvement Notice Extension N-0000008942	29 November 2023	Full Release		YES
48.	142 - 144	Improvement Notice N-0000008639	20 October 2023	Full Release		YES
49.	145 - 147	Improvement Notice Extension N-0000008940	29 November 2023	Full Release		YES
50.	148 - 150	Improvement Notice Extension N-0000009092	15 December 2023	Full Release		YES
51.	151 - 153	Improvement Notice N-0000009689	25 March 2024	Full Release		YES
52.	154 - 156	Improvement Notice Extension N-0000009791	15 April 2024	Full Release		YES
53.	157 - 159	Improvement Notice N-0000010448	21 June 2024	Full Release		YES
54.	160 - 162	Improvement Notice Extension N-0000010554	03 July 2024	Full Release		YES
55.	163 - 165	Improvement Notice N-0000010550	02 July 2024	Full Release		YES
56.	166 - 168	Improvement Notice Extension N-0000010721	16 July 2024	Full Release		YES
57.	169 - 171	Improvement Notice N-0000010551	02 July 2024	Full Release		YES
58.	172 - 174	Improvement Notice Extension N-0000010722	16 July 2024	Full Release		YES
59.	175 - 177	Improvement Notice Extension N-0000011035	16 August 2024	Full Release		YES
60.	178 - 180	Improvement Notice N-0000010552	02 July 2024	Full Release		YES
61.	181 - 183	Improvement Notice Extension N-0000010723	16 July 2024	Full Release		YES
62.	184 - 186	Improvement Notice Extension N-0000011036	16 August 2024	Full Release		YES
63.	187 - 189	Improvement Notice N-0000010859	05 August 2024	Full Release		YES
64.	190 - 192	Improvement Notice Extension N-0000011067	21 August 2024	Full Release		YES
65.	193 - 195	Improvement Notice Extension N-0000011395	13 September 2024	Full Release		YES
66.	196 - 198	Improvement Notice N-0000012411	04 December 2024	Full Release		YES
67.	199 - 201	Improvement Notice Extension N-0000012907	05 February 2025	Full Release		YES
68.	202 - 204	Improvement Notice N-0000012478	17 December 2024	Full Release		YES

69.	205 - 207	Improvement Notice Extension N-0000012906	05 February 2025	Full Release		YES
70.	208 - 211	Improvement Notice N-0000013232	17 March 2025	Full Release		YES
71.	212 - 215	Improvement Notice N-0000013231	17 March 2025	Full Release		YES
72.	216 - 219	Improvement Notice N-0000013230	17 March 2025	Full Release		YES
73.	220 - 222	Improvement Notice N-0000013229	17 March 2025	Full Release		YES
74.	223 - 226	Improvement Notice N-0000013228	17 March 2025	Full Release		YES
75.	227 - 229	Improvement Notice N-0000013235	19 March 2025	Full Release		YES
76.	230 - 232	Improvement Notice Extension N-0000013393	16 May 2025	Full Release		YES
77.	233 - 235	Improvement Notice IMN-0000000681	29 April 2025	Full Release		YES
78.	236 - 238	Improvement Notice N-0000013365	09 May 2025	Full Release		YES
79.	239 - 241	Improvement Notice N-0000013366	09 May 2025	Full Release		YES
80.	242 - 245	Prohibition Notice - N-0000001519	01 June 2021	Full Release		YES
81.	246 - 249	Prohibition Notice - N-0000003789	14 April 2022	Full Release		YES
82.	250 - 252	Prohibition Notice - N-0000008933	28 November 2023	Full Release		YES
83.	253 - 256	Prohibition Notice - N-0000013233	18 March 2025	Full Release		YES
84.	257 - 260	MCHS22/385 - Minister's Weekly Brief – 6 - 10 June 2022	24 June 2022	Full Release	Out of Scope	YES
85.	261 - 263	MCHS22/444 - Minister's Weekly Brief – 20 - 24 June 2022	24 June 2022	Full Release	Out of Scope	YES
86.	264 - 268	MCHS22/851 - Minister's Weekly Brief – 14 to 18 November 2022	18 November 2022	Full Release	Out of Scope	YES
87.	269 - 271	MCHS22/873 - Minister's Weekly Brief – 21 to 25 November 2022	25 November 2022	Full Release	Out of Scope	YES
88.	272 - 274	MCHS22/896 - Minister's Weekly Brief – 28 November to 2 December 2022	02 December 2022	Full Release	Out of Scope	YES

89.	275- 276	MCHS23/545 - WorkSafe notification of injured staff member	06 September 2023	Partial Release	Schedule 2.2(a)(ii) Privacy	YES
90.	277 - 279	Email - Worksafe/Home Visiting TPs - Cleared by DCEO	08 April 2025	Full Release		YES
90						

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000001708

Issued By: Joe DENYER ID number: P32682

To whom this notice is issued

Name of registered company or Name of individual: Canberra Health Services

ABN: 82049056234 Site/workplace: Yamba Drive Garran 2605

Location within address of workplace: Block 23 The Canberra Hospital Yamba Drive GARRAN 2605 ACT

Served on: Bernadette McDonald Method of service: Email Date of issue: 20/07/2021

Due date to remedy the contravention or likely contravention: 01/10/2021

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

I Joseph Denyer reasonably believe on 6th July 2021 at 12pm The Canberra Hospital at Yamba Drive GARRAN 2605 ACT that you are contravening a provision of the Work Health and Safety Act 2011 Section 19 (3) (f).

You have failed to ensure, so far as is reasonably practicable, the provision of any information, training, instruction, and supervision that is necessary to protect workers in the administrative support positions of the Emergency Department (ED), Canberra Hospital from risks to their health (psychological and physical) and safety arising from work carried out as part of business or undertaking.

The administrative support positions of the ED, Canberra Hospital, are provided with minimal to no supervision and instruction, during afternoon, night and weekend shifts and there have been issues in conduct / behaviour reported since 2019 and have been escalated to Preliminary Assessments (PAs), as stated in the minute dated 23 June 2021. The administrative staff were identified to be at a junior level working in 24/7 service and have a reporting supervisor/ manager rostered on standard office hours Monday to Friday.

The Work Health and Safety (Preventing and Responding to Bullying) Code of Practice 2012 made under the WHS Act 2011 identifies "inadequate or absent supervision; responsibilities inappropriately and informally delegated to subordinates; little or no guidance provided to subordinates" as a risk indicator for bullying and harassment. It has been identified through the PA process that the work in ED is considered a high stress environment and there is a lack of guidance and readily available assistance from a supervisor / manager as well as avenues to de-escalate issues while on shift.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

- You must ensure so far as is reasonably practicable:
1. Review the level of supervision and instruction required so that this is suitable for the nature and duration of their work, is adequately available and understandable to enable them to perform their administrative duties in the Emergency Department of The Canberra Hospital
 2. Provide the necessary level of supervision and instruction so that this is suitable for the nature and duration of their work, is

adequately available and understandable to enable them to perform their administrative duties in the Emergency Department of The Canberra Hospital

3. Develop a system to monitor the supervision and instruction to ensure it is suitable for the nature and duration of work, is adequately available and understandable.

4. When 1 to 3 above has been completed contact the Inspector Joseph Denyer who issued this notice who will determine compliance.

5. You must display the notice in a prominent position in the workplace.

The inspector recommends that you:

In complying with the direction, you may give consideration to further guidance available from:

- WorkSafe ACT code of practice 'How to manage work health and safety risks'
- Safe Work Australia Guide for 'Preventing and responding to workplace bullying'.
- Safe Work Australia 'Dealing with Workplace Bullying – A Workers Guide'.
- Safe Work Australia Fact Sheet: 'Preventing psychological injury under work health and safety laws'.
- Note: For PCBU's with over 20 workers. See 'The People at work project risk assessment at www.peopleatworkproject.com.au.

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom a Improvement notice is issued must comply with the notice (s197). The maximum penalty for failing to comply with this requirement is \$100,000 for an individual or \$500,000 for a corporation.

Regulator may carry out action

If a person to whom a Improvement notice is issued fails to take reasonable steps to comply with the notice, and after giving written notice of its intentions and the persons liability for the costs, the regulator (WorkSafe ACT) may take any remedial action it believes reasonable to make the workplace or situation safe (s 211). The regulator may then recover the reasonable costs of taking this remedial action (s213).

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: [Worksafe @act.gov.au](mailto:Worksafe@act.gov.au)

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000003791

Issued By: Matt DAVIS

ID number: P32662

To whom this notice is issued

Directorate Name: Canberra Health Services Head of Directorate: Dave Pepper

Site/workplace: 30 Mugga Lane Symonston ACT 2609

Location within address of workplace:

Served on:

Method of service: Personal

Date of issue: 14/04/2022

Due date to remedy the contravention or likely contravention: 12/05/2022

Description

The inspector believes the person:

a) is contravening a provision of this Act; or

b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Regulations** Section number - **38**

Briefly, how the provision is being, or has been, contravened:

Dhulwa Mental Health Facility as a duty holder must review and, as necessary, revise control measures implemented under the Work Health and safety Regulation 2011 so as to maintain, so far as is reasonably practicable, a work environment that is without risks to health or safety.

The duty holder must review and, as necessary, revise a control measure in the following circumstances:

(a) the control measure does not control the risk it was implemented to control so far as is reasonably practicable.

On the 11 April 2022 at approximately 17 :45 pm Inspectors were shown CCTV footage of a consumer physically assault a member of staff resulting in treatment by ambulance, the control measures in place for the Occupational Violence hazard associated with the work conducted at the facility failed to protect the worker. The risk to which the worker was exposed was both physical and psychological. This led to a worker/s being exposed to Occupational Violence.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

Review the control measures in place at the facility that are designed to control the occupational violence hazard and associated risk emanating from the identified hazards.

The inspector recommends that you:

Review and Consider available resources to determine appropriate controls:

<https://www.safeworkaustralia.gov.au/doc/preventing-workplace-violence-and-aggression-guide?msclkid=81afe402ba1911ec973e41def5acf>

<https://www.worksafe.vic.gov.au/occupational-violence-and-aggression-safety-basics?msclkid=d00e3c09ba1911eca4ae4c5a8cee2419>

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

(a) in the case of an individual—\$50 000; or

(b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

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WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

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WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: Worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000004393

Issued By: Ben Palmer

ID number:

To whom this notice is issued

Directorate Name: Canberra Health Services Head of Directorate: Katie McKenzie

Site/workplace: 13 Easty Street Phillip ACT 2606

Location within address of workplace:

Served on: Katie McKenzie

Method of service: Email

Date of issue: 13/06/2022

Due date to remedy the contravention or likely contravention: 24/06/2022

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

On the 3rd June 2022 at 10:00AM, I, Senior Inspector Ben Palmer attended the workplace of the Child and Adolescent Mental Health Services and Perinatal Mental Health, located at 13 Easty Street, Phillip, 2606 ACT (Level 2, Building A), which is under the management control of Canberra Health Services. Upon arrival I identified myself as a WHS inspector and advised the reason for the visit to the workplace representative and various workers at the workplace. The reason for the workplace visit was identified following a complaint that had been raised to WorkSafe ACT regarding several alleged safety issues.

Based on my observations and the information obtained from workers, I, Inspector Ben Palmer at 13:02 on the 3rd June 2022 formed a reasonable belief that Canberra Health Services is contravening the Work Health and Safety Act 2011, Section 19. 3 (a). The Work Health and Safety Act 2011, Section 19. 3 (a) states: Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable, the provision and maintenance of a work environment without risks to health and safety.

During the workplace visit, workers were observed undertaking highly sensitive and stressful work-related tasks in an open plan office work environment. It was identified that noise levels in the office would at times negatively impact the workers ability to undertake their work-related tasks, increasing the stress exposure associated with the work task. Due to the sensitive nature of the work being undertaken, the impacts associated with the noise exposure to workers is exacerbated. Information received from various workers also confirmed the increased stress experienced during sensitive work-related tasks occurred on a regular basis. Workers expressed a level of anxiety when undertaking sensitive tasks within the open plan work environment and with the resources that were available.

Workers exposed to high emotional and cognitive demands in conjunction with environmental factors (noise, equipment, and layout), and low job control (what, where and how work is done) are exposed to an increased risk to their health and safety through increase occurrences of distressing or traumatic events.

Through inadequate provisions and maintenance of a work environment workers are placed at an increased risk of injury to their health and safety. From my observations and information obtained at the time of the workplace visit, I have formed a reasonable belief that requires the issuing of an improvement notice.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

Provide confirmation to the issuing inspector of the notice receipt and the display of the notice in a prominent position in the workplace.

You are to, so far as is reasonably practicable

1. Ensure the provisions and maintenance of a work environment that is without risk to health and safety, by re-assessing the adequacy of the current work environment (open plan office) and its provisions.
2. Undertake adequate consultation when managing hazards and risks identified.
3. Once directions 2 and 3 have been completed, contact the issuing inspector and provide evidence that you have complied with this notice.

Compliance due date: Friday 24th of June 2022

The inspector recommends that you:

-

https://www.safeworkaustralia.gov.au/system/files/documents/1911/work-related_psychological_health_and_safety_a_systematic_approach

- Work Health and Safety Act 2011
- Work Health and Safety (How to Manage Work Health and Safety Risks) Code of Practice Approval 2020
- Work Health and Safety Regulation 2011(Part 3.1 Managing risks to health and safety)

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email:

worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at

www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: [Worksafe @act.gov.au](mailto:Worksafe@act.gov.au)

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000004385

Issued By: Ben Palmer

ID number:

To whom this notice is issued

Directorate Name: Canberra Health Services Head of Directorate: Katie McKenzie

Site/workplace: 13 Easty Street Phillip ACT 2606

Location within address of workplace:

Served on: Katie McKenzie

Method of service: Email

Date of issue: 13/06/2022

Due date to remedy the contravention or likely contravention: 16/06/2022

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

On the 3rd June 2022 at 10:00AM, I, Senior Inspector Ben Palmer attended the workplace of the Child and Adolescent Mental Health Services and Perinatal Mental Health, located at 13 Easty Street, Phillip, 2606 ACT (Level 2, Building A), which is under the management control of Canberra Health Services. Upon arrival the Inspector identified himself as a WHS inspector and advised the reason for the visit to the workplace representative and various workers at the workplace. The reason for the workplace visit was identified following a complaint that had been raised to WorkSafe ACT regarding a number of alleged safety issues.

Based on my observation and the information obtained from workplace representative and workers, I, Inspector Ben Palmer at 13:02 on the 3rd June 2022 formed a reasonable belief that Canberra Health Services is contravening the Work Health and Safety Act 2011, Section 19. 4(a). Where, the Work Health and Safety Act 2011 Section 19. 4(a) states: If a worker occupies accommodation that is owned by or under the management or control of the person conducting the business or undertaking; the person conducting the business or undertaking must, so far as is reasonably practicable, maintain the premises so that the worker occupying the premises is not exposed to risks to health and safety.

The workplace visit revealed one of two internal elevators (lifts) were out of order, with the unserviceable elevator (lift 2) being disabled and barricaded off on level 2. The elevator (lift 1) in operation at the time on the workplace visit had a sign attached to the entrance that identified a cautioned when entering the elevator (lift 1) "Please mind your step as you are entering the elevator ". Upon use of the in-service elevator (lift), it was observed that the elevator did not stop level with the floor, leaving a difference between the base of the elevator (lift 1) and the floor level that presented a trip hazard. Information received from the Canberra health services, in conjunction with discussions with workers at the time of the visit identified a common and reoccurring concern regarding the operation of workplaces elevators (lifts). Information gathered from the workplace and the workers has identified that due to the nature of the workplace, the use of the elevators (lifts) is in many instances required for access/egress.

Through inadequate maintenance of the premises (workplace), workers are placed at an increased risk of injury to their health and safety. From my observations and information obtained at the time of the workplace visit, and from the information provided by the workplace, I have formed a reasonable belief that requires the issuing of an improvement notice.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notice relates.

The inspector directs you to:

Provide confirmation to the issuing inspector of the notice receipt and the display of the notice in a prominent position in the workplace.

You are to, so far as is reasonably practicable

1. Ensure that the workplace lifts are serviced, maintained and operate as per the manufacturer's instructions and specifications, so that workers and others are not exposed to a risk to their health and safety.
2. Ensure that tasks in step one are undertaken by a competent person.
3. Once directions 2 and 3 have been completed, contact the issuing inspector and provide evidence that you have complied with this notice.

Compliance due date: Thursday 16th of June 2022

The inspector recommends that you:

- Work Health and Safety Act 2011
- Work Health and Safety (How to Manage Work Health and Safety Risks) Code of Practice Approval 2020
- Work Health and Safety (Managing Risks of Plant in the Workplace Code of Practice) Approval 2020

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently

and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email:

worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at

www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: [Worksafe @act.gov.au](mailto:Worksafe@act.gov.au)

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000004422

Issued By: Ben Palmer ID number:

To whom this notice is issued

Directorate Name: Canberra Health Services Head of Directorate: Katie McKenzie

Site/workplace: 13 Easty Street Phillip ACT 2606

Location within address of workplace:

Served on: Katie McKenzie Method of service: Email Date of issue: 21/06/2022

Due date to remedy the contravention or likely contravention: 21/06/2022

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

On the 3rd June 2022 at 10:00AM, I, Senior Inspector Ben Palmer attended the workplace of the Child and Adolescent Mental Health Services and Perinatal Mental Health, located at 13 Easty Street, Phillip, 2606 ACT (Level 2, Building A), which is under the management control of Canberra Health Services. Upon arrival the Inspector identified himself as a WHS inspector and advised the reason for the visit to the workplace representative and various workers at the workplace. The reason for the workplace visit was identified following a complaint that had been raised to WorkSafe ACT regarding a number of alleged safety issues.

Based on my observation and the information obtained from workplace representative and workers, I, Inspector Ben Palmer at 13:02 on the 3rd June 2022 formed a reasonable belief that Canberra Health Services is contravening the Work Health and Safety Act 2011, Section 19. 4(a). Where, the Work Health and Safety Act 2011 Section 19. 4(a) states: If a worker occupies accommodation that is owned by or under the management or control of the person conducting the business or undertaking; the person conducting the business or undertaking must, so far as is reasonably practicable, maintain the premises so that the worker occupying the premises is not exposed to risks to health and safety.

The workplace visit revealed one of two internal elevators (lifts) were out of order, with the unserviceable elevator (lift 2) being disabled and barricaded off on level 2. The elevator (lift 1) in operation at the time on the workplace visit had a sign attached to the entrance that identified a cautioned when entering the elevator (lift 1) "Please mind your step as you are entering the elevator ". Upon use of the in-service elevator (lift), it was observed that the elevator did not stop level with the floor, leaving a difference between the base of the elevator (lift 1) and the floor level that presented a trip hazard. Information received from the Canberra health services, in conjunction with discussions with workers at the time of the visit identified a common and reoccurring concern regarding the operation of workplaces elevators (lifts). Information gathered from the workplace and the workers has identified that due to the nature of the workplace, the use of the elevators (lifts) is in many instances required for access/egress.

Through inadequate maintenance of the premises (workplace), workers are placed at an increased risk of injury to their health and safety. From my observations and information obtained at the time of the workplace visit, and from the information provided by the workplace, I have formed a reasonable belief that requires the issuing of an improvement notice.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notice relates.

The inspector directs you to:

Provide confirmation to the issuing inspector of the notice receipt and the display of the notice in a prominent position in the workplace.

You are to, so far as is reasonably practicable

1. Ensure that the workplace lifts are serviced, maintained and operate as per the manufacturer's instructions and specifications, so that workers and others are not exposed to a risk to their health and safety.
2. Ensure that tasks in step one are undertaken by a competent person.
3. Once directions 2 and 3 have been completed, contact the issuing inspector and provide evidence that you have complied with this notice.

Compliance due date: Thursday 16th of June 2022

The inspector recommends that you:

- Work Health and Safety Act 2011
- Work Health and Safety (How to Manage Work Health and Safety Risks) Code of Practice Approval 2020
- Work Health and Safety (Managing Risks of Plant in the Workplace Code of Practice) Approval 2020

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

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and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email:

worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at

www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: [Worksafe @act.gov.au](mailto:Worksafe@act.gov.au)

Phone: (02) 6207 3000

Fax:(02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000004529

Issued By: Ben Palmer

ID number:

To whom this notice is issued

Directorate Name: Canberra Health Services Head of Directorate: Katie McKenzie

Site/workplace: 13 Easty Street Phillip ACT 2606

Location within address of workplace:

Served on: Katie McKenzie

Method of service: Email

Date of issue: 04/07/2022

Due date to remedy the contravention or likely contravention: 12/07/2022

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

On the 3rd June 2022 at 10:00AM, I, Senior Inspector Ben Palmer attended the workplace of the Child and Adolescent Mental Health Services and Perinatal Mental Health, located at 13 Easty Street, Phillip, 2606 ACT (Level 2, Building A), which is under the management control of Canberra Health Services. Upon arrival the Inspector identified himself as a WHS inspector and advised the reason for the visit to the workplace representative and various workers at the workplace. The reason for the workplace visit was identified following a complaint that had been raised to WorkSafe ACT regarding a number of alleged safety issues.

Based on my observation and the information obtained from workplace representative and workers, I, Inspector Ben Palmer at 13:02 on the 3rd June 2022 formed a reasonable belief that Canberra Health Services is contravening the Work Health and Safety Act 2011, Section 19. 4(a). Where, the Work Health and Safety Act 2011 Section 19. 4(a) states: If a worker occupies accommodation that is owned by or under the management or control of the person conducting the business or undertaking; the person conducting the business or undertaking must, so far as is reasonably practicable, maintain the premises so that the worker occupying the premises is not exposed to risks to health and safety.

The workplace visit revealed one of two internal elevators (lifts) were out of order, with the unserviceable elevator (lift 2) being disabled and barricaded off on level 2. The elevator (lift 1) in operation at the time on the workplace visit had a sign attached to the entrance that identified a cautioned when entering the elevator (lift 1) "Please mind your step as you are entering the elevator ". Upon use of the in-service elevator (lift), it was observed that the elevator did not stop level with the floor, leaving a difference between the base of the elevator (lift 1) and the floor level that presented a trip hazard. Information received from the Canberra health services, in conjunction with discussions with workers at the time of the visit identified a common and reoccurring concern regarding the operation of workplaces elevators (lifts). Information gathered from the workplace and the workers has identified that due to the nature of the workplace, the use of the elevators (lifts) is in many instances required for access/egress.

Through inadequate maintenance of the premises (workplace), workers are placed at an increased risk of injury to their health and safety. From my observations and information obtained at the time of the workplace visit, and from the information provided by the workplace, I have formed a reasonable belief that requires the issuing of an improvement notice.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notice relates.

The inspector directs you to:

Provide confirmation to the issuing inspector of the notice receipt and the display of the notice in a prominent position in the workplace.

You are to, so far as is reasonably practicable

1. Ensure that the workplace lifts are serviced, maintained and operate as per the manufacturer's instructions and specifications, so that workers and others are not exposed to a risk to their health and safety.
2. Ensure that tasks in step one are undertaken by a competent person.
3. Once directions 2 and 3 have been completed, contact the issuing inspector and provide evidence that you have complied with this notice.

See top of Notice for compliance due date.

The inspector recommends that you:

- Work Health and Safety Act 2011
- Work Health and Safety (How to Manage Work Health and Safety Risks) Code of Practice Approval 2020
- Work Health and Safety (Managing Risks of Plant in the Workplace Code of Practice) Approval 2020

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

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Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently

and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

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A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email:

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You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at

www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

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Email: [Worksafe @act.gov.au](mailto:Worksafe@act.gov.au)

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000004415

Issued By: Ben Palmer ID number: P12937

To whom this notice is issued

Directorate Name: Canberra Health Services Head of Directorate: Dave Pepper

Site/workplace: 13 Easty Street Phillip ACT 2606

Location within address of workplace:

Served on: Katie McKenzie Method of service: Email Date of issue: 15/06/2022

Due date to remedy the contravention or likely contravention: 24/06/2022

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

On the 3rd June 2022 at 10:00AM, I, Senior Inspector Ben Palmer attended the workplace of the Child and Adolescent Mental Health Services and Perinatal Mental Health, located at 13 Easty Street, Phillip, 2606 ACT (Level 2, Building A), which is under the management control of Canberra Health Services. Upon arrival I identified myself as a WHS inspector and advised the reason for the visit to the workplace representative and various workers at the workplace. The reason for the workplace visit was identified following a complaint that had been raised to WorkSafe ACT regarding several alleged safety issues.

Based on my observations and the information obtained from workers, I, Inspector Ben Palmer at 13:02 on the 3rd June 2022 formed a reasonable belief that Canberra Health Services is contravening the Work Health and Safety Act 2011, Section 19. 3 (a), namely, Section 150. 1 of the Work Health and Safety Regulations 2011.

The Work Health and Safety Act 2011, Section 19. 3 (a) states: Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable, the provision and maintenance of a work environment without risks to health and safety.

The Work Health Safety Regulations 2011, section 150. 1 states: A person conducting a business or undertaking at a workplace must ensure that electrical equipment is regularly inspected and tested by a competent person if the electrical equipment is—
(a) supplied with electricity through an electrical socket outlet; and
(b) used in an environment in which the normal use of electrical equipment exposes the equipment to operating conditions that are likely to result in damage to the equipment or a reduction in its expected life span, including conditions that involve exposure to moisture, heat, vibration, mechanical damage, corrosive chemicals or dust.

Maximum penalty:

- (a) in the case of an individual—\$3 600; or
- (b) in the case of a body corporate—\$18 000.

Note: Strict liability applies to each physical element of each offence under this regulation, unless otherwise stated (see s 6A).

Note 2: However, electrical equipment that is unsafe must not be used (see s 149).

- (3) The person must ensure that a record of any testing carried out under subsection (1) is kept until the electrical equipment is—
(a) next tested; or
(b) permanently removed from the workplace or disposed of.

Note Strict liability applies to each physical element of each offence under this regulation, unless otherwise stated (see s 6A).

- (4) The record of testing—
(a) must state the following:
(i) the name of the person who carried out the testing;
(ii) the date of the testing;
(iii) the outcome of the testing;
(iv) the date on which the next testing must be carried out; and
(b) may be in the form of a tag attached to the electrical equipment tested.

During the workplace visit a number of electrical equipment items were found to be plugged in and in use without the required indications of current electrical testing and tag inspections by a competent person. A Medical fridge at the workplace was found to be in use with an out-of-date electrical test tag (18/02/2022). A SYMHO Machine was also observed to be in use with no electrical test and tag evident. Images of the observations at the workplace were captured.

Inadequate testing of electrical equipment increases the risk of injury to workers and others. Based on observations and the information available, I have formed a reasonable belief that there is a contravention of the Work Health and Safety Act 2011 requiring the issuing of an Improvement Notice.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

Provide confirmation to the issuing inspector of the notice receipt and the display of the notice in a prominent position in the workplace.

1. You must ensure the workplace has all electrical equipment tested and tagged by a competent person in accordance with Regulation 150 of the Work Health and Safety Regulations 2011.
2. When direction 1 has been completed contact the Inspector who issued this notice who will determine compliance.

Compliance due date: Friday 24th of June 2022

The inspector recommends that you:

Refer to
- Managing Electrical Risks in the Workplace Code of Practice
- Work Health and Safety Regulation 2011

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which

work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

(a) in the case of an individual—\$50 000; or

(b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email:

worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at

www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: [Worksafe @act.gov.au](mailto:Worksafe@act.gov.au)

Phone: (02) 6207 3000

Fax:(02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000004416

Issued By: Ben Palmer ID number: P12937

To whom this notice is issued

Directorate Name: Canberra Health Services Head of Directorate: Dave Pepper

Site/workplace: 13 Easty Street Phillip ACT 2606

Location within address of workplace:

Served on: Katie McKenzie Method of service: Email Date of issue: 21/06/2022

Due date to remedy the contravention or likely contravention: 24/06/2022

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

On the 3rd June 2022 at 10:00AM, I, Senior Inspector Ben Palmer attended the workplace of the Child and Adolescent Mental Health Services and Perinatal Mental Health, located at 13 Easty Street, Phillip, 2606 ACT (Level 2, Building A), which is under the management control of Canberra Health Services. Upon arrival I identified myself as a WHS inspector and advised the reason for the visit to the workplace representative and various workers at the workplace. The reason for the workplace visit was identified following a complaint that had been raised to WorkSafe ACT regarding several alleged safety issues.

Based on my observations and the information obtained from workers, I, Senior Inspector Ben Palmer at 13:02 on the 3rd June 2022 formed a reasonable belief that Canberra Health Services is contravening the Work Health and Safety Act 2011, Section 19. 3 (a), namely, Section 41. 2 of the Work Health and Safety Regulations 2011.

The Work Health and Safety Act 2011, Section 19. 3 (a) states: Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable, the provision and maintenance of a work environment without risks to health and safety.

The Work Health Safety Regulations 2011, section 41. 2 states: The person conducting a business or undertaking at a workplace must ensure, so far as is reasonably practicable, that the facilities provided under subsection (1) are maintained so as to be—

(a) in good working order; and

(b) clean, safe and accessible.

Maximum penalty:

(a) in the case of an individual—\$6 000; or

(b) in the case of a body corporate—\$30 000.

Note Strict liability applies to each physical element of each offence under this regulation, unless otherwise stated (see s 6A).

During the workplace visit, and with the assistance of a worker, navigation to, and location of, the disabled toilet proved confusing and difficult. The disabled toilet was located on a different level (level 1) to the workplace that was visited (level 2). Only one sign on level 2 at the workplace was identified to indicate a disabled toilet in the building, with the sign indicating the disabled toilet "at exit from elevator on level 1". The sign did not indicate which elevator (lift) it referred to (lift 1 or 2). The elevator (lift 1) that the disabled toilet was closest to, was not in operation at the time of the workplace visit. Without the operation of lift 1, navigation to the disabled toilet required access through swipe card access fire door. The swipe card access of a worker was required to move through the fire

door in the direction towards the disabled toilet. At the time of the inspection, it was observed that the fire door (which indicated with signage "Do not obstruct, Do not Keep open") was being held open by a wooden chock, images of this were captured. The building layout in which the workplace is located, increases the navigation difficulties to the disabled toilet in conjunction with the poor signage and swipe card access.

Based on my observations at the time of the workplace visit and the information available, I have formed a reasonable belief that there is a contravention of the Work Health and Safety Act 2011 regarding reasonable access to toilet (disabled) facilities, requiring the issuing of an Improvement Notice.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

Provide confirmation to the issuing inspector of the notice receipt and the display of the notice in a prominent position in the workplace.

You are to, so far as is reasonably practicable

1. Ensure current toilet facilities (disabled) access, including appropriate signage are maintained as laid out in regulation 41, 2 of the Work Health Safety Regulations 2011.
2. Undertake adequate consultation when managing hazards and risks identified.
3. Once directions 1 and 2 have been completed, contact the issuing inspector and provide evidence that you have complied with this notice.

Compliance due date: Friday 24th of June 2022

The inspector recommends that you:

- Work Health and Safety Regulation 2011

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email:

worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at

www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: Worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000004411

Issued By: Ben Palmer ID number: P12937

To whom this notice is issued

Directorate Name: Canberra Health Services Head of Directorate: Dave Pepper

Site/workplace: 13 Easty Street Phillip ACT 2606

Location within address of workplace:

Served on: Katie McKenzie Method of service: Email Date of issue: 21/06/2022

Due date to remedy the contravention or likely contravention: 24/06/2022

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

On the 3rd June 2022 at 10:00AM, I, Senior Inspector Ben Palmer attended the workplace of the Child and Adolescent Mental Health Services and Perinatal Mental Health, located at 13 Easty Street, Phillip, 2606 ACT (Level 2, Building A), which is under the management control of Canberra Health Services. Upon arrival I identified myself as a WHS inspector and advised the reason for the visit to the workplace representative and various workers at the workplace. The reason for the workplace visit was identified following a complaint that had been raised to WorkSafe ACT regarding several alleged safety issues.

Based on the information obtained from a number of workers and observations made during the workplace visit, I, Inspector Ben Palmer at 13:02 on the 3rd June 2022 formed a reasonable belief that Canberra Health Services is contravening the Work Health and Safety Act 2011, Section 19. 3 (f). The Work Health and Safety Act 2011, Section 19. 3 (f) states: Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable, the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking.

During the workplace visit it was observed and confirmed that some workers were unaware of all components related to the consultation room duress alarm system. During discussions with workers around the current duress alarm system in place, additional duress trigger points (from extendable cord attachments at each wall positioned alarm) were identified. Inadequate information and training on emergency systems such as duress alarms may increase the risk to workers health and safety (both physical and psychological).

Based on observations and the information available, I have formed a reasonable belief that there is a contravention of the Work Health and Safety Act 2011 requiring the issuing of an Improvement Notice.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

Directions:

Provide confirmation to the issuing inspector of the notice receipt and the display of the notice in a prominent position in the

workplace.

You are to, so far as is reasonably practicable

1. Ensure adequate provision of information, training or instruction is provided in regards to the current duress alarm system to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking.
2. Undertake adequate consultation when managing hazards and risks identified.
3. Once directions 1 and 2 have been completed, contact the issuing inspector and provide evidence that you have complied with this notice.

Compliance due date: Friday 24th of June 2022.

The inspector recommends that you:

Recommendations

- Work Health and Safety Act 2011
- Work Health and Safety (How to Manage Work Health and Safety Risks) Code of Practice Approval 2020
- Work Health and Safety Regulation 2011(Part 3.1 Managing risks to health and safety)

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email:

worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at

www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000004410

Issued By: Ben Palmer

ID number: P12937

To whom this notice is issued

Directorate Name: Canberra Health Services Head of Directorate: David Pepper

Site/workplace: 13 Easty Street Phillip ACT 2606

Location within address of workplace:

Served on: Katie McKenzie

Method of service: Email

Date of issue: 21/06/2022

Due date to remedy the contravention or likely contravention: 24/06/2022

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

On the 3rd June 2022 at 10:00AM, I, Senior Inspector Ben Palmer attended the workplace of the Child and Adolescent Mental Health Services and Perinatal Mental Health, located at 13 Easty Street, Phillip, 2606 ACT (Level 2, Building A), which is under the management control of Canberra Health Services. Upon arrival I identified myself as a WHS inspector and advised the reason for the visit to the workplace representative and various workers at the workplace. The reason for the workplace visit was identified following a complaint that had been raised to WorkSafe ACT regarding several alleged safety issues.

Based on the information obtained from a number of workers and observations made during the workplace visit, I, Inspector Ben Palmer at 13:02 on the 3rd June 2022 formed a reasonable belief that Canberra Health Services is contravening the Work Health and Safety Act 2011, Section 19. 3 (a). The Work Health and Safety Act 2011, Section 19. 3 (a) states: Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable, the provision and maintenance of a work environment without risks to health and safety.

During the workplace visit it was observed that through utilising the internal door locking latch, the doors to each consultation room were lockable from inside. It was also identified at the time that only one person in the workplace had access to a key that could unlock the consultation room doors. During the workplace visit it was identified that there was also a lack of awareness around the access to additional keys at the workplace or held by other workers. In conjunction with the nature of the work carried out at the workplace, the potential restriction of assistance during a duress situation places workers and others at an increased risk to their health and safety (both physical and psychological). A worker or other in need of assistance may be locked inside a consultation room without external control of access/egress that may give rise to a situation which prevents assistance being provided.

Based on observations and the information available, I have formed a reasonable belief that there is a contravention of the Work Health and Safety Act 2011 requiring the issuing of an Improvement Notice.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notice relates.

The inspector directs you to:

Provide confirmation to the issuing inspector of the notice receipt and the display of the notice in a prominent position in the workplace.

You are to, so far as is reasonably practicable

1. Ensure the provisions and maintenance of a work environment that is without risk to health and safety, by ensuring adequate access/egress of consultation rooms in the event of an emergency or duress situation.
2. Undertake adequate consultation when managing hazards and risks identified.
3. Once directions 1 and 2 have been completed, contact the issuing inspector and provide evidence that you have complied with this notice.

Compliance due date: Friday 24th of June 2022

The inspector recommends that you:

- Work Health and Safety Act 2011
- Work Health and Safety (How to Manage Work Health and Safety Risks) Code of Practice Approval 2020
- Work Health and Safety Regulation 2011(Part 3.1 Managing risks to health and safety)

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently

and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email:

worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at

www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: [Worksafe @act.gov.au](mailto:Worksafe@act.gov.au)

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000004418

Issued By: Ben Palmer ID number: P12937

To whom this notice is issued

Directorate Name: Canberra Health Services Head of Directorate: Dave Pepper

Site/workplace: 13 Easty Street Phillip ACT 2606

Location within address of workplace:

Served on: Katie McKenzie Method of service: Email Date of issue: 21/06/2022

Due date to remedy the contravention or likely contravention: 20/06/2022

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

On the 3rd June 2022 at 10:00AM, I, Senior Inspector Ben Palmer attended the workplace of the Child and Adolescent Mental Health Services and Perinatal Mental Health, located at 13 Easty Street, Phillip, 2606 ACT (Level 2, Building A), which is under the management control of Canberra Health Services. Upon arrival I identified myself as a WHS inspector and advised the reason for the visit to the workplace representative and various workers at the workplace. The reason for the workplace visit was identified following a complaint that had been raised to WorkSafe ACT regarding several alleged safety issues.

Based on my observations and the information obtained from workers, I, Senior Inspector Ben Palmer at 13:02 on the 3rd June 2022 formed a reasonable belief that Canberra Health Services is contravening the Work Health and Safety Act 2011, Section 19, 4(a).

Work Health and Safety Act 2011 Section 19, 4(a) states: If a worker occupies accommodation that is owned by or under the management or control of the person conducting the business or undertaking; the person conducting the business or undertaking must, so far as is reasonably practicable, maintain the premises so that the worker occupying the premises is not exposed to risks to health and safety.

At the time of the workplace visit it was observed and photographic evidence was capture of a floor level power point in the rear room of level 2, building A, that was dislodged from its securing plate. Workers at the time of the workplace visit confirmed that the hazard identified had been raised for correction. At the time of the workplace visit, the power point was still being utilised and accessible by workers. Electrical components that are not appropriately maintained or managed, may expose workers to a serious risk to their health and safety.

Based on observations and the information available, I have formed a reasonable belief that there is a contravention of the Work Health and Safety Act 2011 requiring the issuing of an Improvement Notice.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notice relates.

The inspector directs you to:

Provide confirmation to the issuing inspector of the notice receipt and the display of the notice in a prominent position in the workplace.

You are to,

1. Ensure that the workplace power points are serviced, maintained and operate so that workers and others are not exposed to a risk to their health and safety.
2. Ensure that tasks in step one are undertaken by a persons who holds the required licences, qualifications and, competency for the tasks as set out at regulation 161 of the Work Health and Safety Regulations 2011.
3. Once directions 1 and 2 have been completed, contact the issuing inspector and provide evidence that you have complied with this notice.

Compliance due date: Monday 20th of June 2022

The inspector recommends that you:

Refer to

- Work Health and Safety Act 2011
- Work Health and Safety (Managing Electrical Risks at the Workplace Code of Practice) Approval 2020

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government

agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

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Email: Worksafe @act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000004417

Issued By: Ben Palmer

ID number: P12937

To whom this notice is issued

Directorate Name: Canberra Health Services Head of Directorate: Dave Pepper

Site/workplace: 13 Easty Street Phillip ACT 2606

Location within address of workplace:

Served on: Katie McKenzie

Method of service: Email

Date of issue: 21/06/2022

Due date to remedy the contravention or likely contravention: 24/06/2022

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

On the 3rd June 2022 at 10:00AM, I, Senior Inspector Ben Palmer attended the workplace of the Child and Adolescent Mental Health Services and Perinatal Mental Health, located at 13 Easty Street, Phillip, 2606 ACT (Level 2, Building A), which is under the management control of Canberra Health Services. Upon arrival I identified myself as a WHS inspector and advised the reason for the visit to the workplace representative and various workers at the workplace. The reason for the workplace visit was identified following a complaint that had been raised to WorkSafe ACT regarding several alleged safety issues.

Based on my observations and the information obtained from workers, I, Senior Inspector Ben Palmer at 13:02 on the 3rd June 2022 formed a reasonable belief that Canberra Health Services is contravening the Work Health and Safety Act 2011, Section 19. 3 (e), namely, Section 42,1(b) and (c) of the Work Health and Safety Regulations 2011.

The Work Health and Safety Act 2011, Section 19. 3 (e) states: Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable, the provision of adequate facilities for the welfare at work of workers in carrying out work for the business or undertaking, including ensuring access to those facilities.

Work Health and Safety Regulations 2011, Section 42, 1(b) and (c) States:

The Duty to provide first-aid

(1) A person conducting a business or undertaking at a workplace must ensure—

(b) that each worker at the workplace has access to the equipment; and

(c) access to facilities for the administration of first-aid.

Maximum penalty:

(a) in the case of an individual—\$6 000; or

(b) in the case of a body corporate—\$30 000.

Note Strict liability applies to each physical element of each offence under this regulation, unless otherwise stated (see s 6A).

During the workplace visit, it was identified that the workplace first-aid equipment was located in a multi-purpose room, also used for breastfeeding, or infant change. It was confirmed that the room could and has been utilised for all three purposes identified. It was

observed and confirmed at the time of the workplace visit, the multipurpose room could be locked from the inside. In the case of an emergency or first-aid requirement, pre-occupation of the multipurpose room may inhibit access to both first-aid equipment and access to a facility for the administration of first aid. Inadequate access to first-aid equipment and/or a facility to administer first-aid, in conjunction with the nature of work being undertaken at the workplace, may result in workers or others being exposed to an risk of injury (both physical and psychological).

Based on observations and the information available, I have formed a reasonable belief that there is a contravention of the Work Health and Safety Act 2011 requiring the issuing of an Improvement Notice.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

Provide confirmation to the issuing inspector of the notice receipt and the display of the notice in a prominent position in the workplace.

You are to:

1. Ensure first-aid equipment is accessible at all times, as laid out in regulation 42 of the Work Health Safety Regulations 2011.
2. Ensure a facility for the administration of first-aid is at all times accessible, as laid out in regulation 42 of the Work Health Safety Regulations 2011.
3. Undertake adequate consultation when managing hazards and risks identified.
4. Once directions 1, 2 and 3 have been completed, contact the issuing inspector and provide evidence that you have complied with this notice.

Compliance due date: Friday 24th of June 2022

The inspector recommends that you:

Refer to:

Work Health and Safety Regulation 2011

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in

connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email:

worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at

www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

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Fax:(02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000004419

Issued By: Ben Palmer ID number: P12937

To whom this notice is issued

Directorate Name: Canberra Health Services Head of Directorate: Dave Pepper

Site/workplace: 13 Easty Street Phillip ACT 2606

Location within address of workplace:

Served on: Katie McKenzie Method of service: Email Date of issue: 21/06/2022

Due date to remedy the contravention or likely contravention: 04/07/2022

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **47**

Briefly, how the provision is being, or has been, contravened:

On the 3rd June 2022 at 10:00AM, I, Senior Inspector Ben Palmer attended the workplace of the Child and Adolescent Mental Health Services and Perinatal Mental Health, located at 13 Easty Street, Phillip, 2606 ACT (Level 2, Building A), which is under the management control of Canberra Health Services. Upon arrival I identified myself as a WHS inspector and advised the reason for the visit to the workplace representative and various workers at the workplace. The reason for the workplace visit was identified following a complaint that had been raised to WorkSafe ACT regarding several alleged safety issues.

Based on my observations and the information obtained from workers, I, Senior Inspector Ben Palmer at 13:02 on the 3rd June 2022 formed a reasonable belief that Canberra Health Services is contravening the Work Health and Safety Act 2011, Section 47.

The Work Health and Safety Act 2011, Section 47 sets out: The person conducting a business or undertaking must, so far as is reasonably practicable, consult, in accordance with this division and the regulation, with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to work health or safety.

Maximum penalty:

- (a) in the case of an individual—\$20 000; or
- (b) in the case of a body corporate—\$100 000.

Note Strict liability applies to each physical element of this offence (see s 12A).

The workplace visit identified a number of 2-3 story high air-bridge walkways and staircases, that may be, and are, used as access and egress points for the workplace which is located on level 2 of the building. It was observed and confirmed that frosting had been placed on the emergence fire and evacuation access/egress door on level 2 in response to safety concerns raised by staff and following a number of reported workplace safety incidents. In response to the same reported safety incidents and concerns, wooden barricades have been erected on the airbridge at the opposing doorway to the frosted fire door on level 2. Information received from workers and workplace representatives confirmed the basis for the fire door frosting and the wooden barricade was in response to several previous safety concerns and reported incidents. A Work Health and Safety (WHS) Assessment Report (16 November 2021) also confirmed the matters relating to work health and safety (access egress heights in conjunction with the nature of the work). Discussions with multiple workers confirmed that the workplace has not adequately consulted with workers who are directly affected by the matter relating to work health and safety. This was highlighted by workers, who advised that the barricades had been

erected on the airbridge walkway (between lift 1 and Building A) that had not been subject to reported safety incidents. In addition, workers also advised that they were unaware of the controls (erection of wooden barricade, frosting on emergency fire door exit) for the safety matters raised, until the controls were in place. Inadequate consultation during identification and management of hazards and their risks, may expose workers to an increased risk to their health and safety (both physical and psychological).

Based on my observations and the information from workers and workplace representatives, I have formed a reasonable belief that there is a contravention of the Work Health and Safety Act 2011 requiring the issuing of an Improvement Notice.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

Provide confirmation to the issuing inspector of the notice receipt and the display of the notice in a prominent position in the workplace.

You are to, so far as is reasonably:

1. Undertake adequate consultation as set out in Section 47 of the Work Health and Safety Act 2011 in relation to the health and safety matters raised, regarding the several height's risks in combination with the nature of the work being carried out.
2. Once direction 1 has been completed, contact the issuing inspector and provide evidence that you have complied with this notice.

Compliance due date: Monday 4th of July 2022

The inspector recommends that you:

Refer to

- Work Health and Safety Act 2011
- Work Health and Safety (Work Health and Safety Consultation, Cooperation and Coordination Code of Practice) Approval 2018

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email:

worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at

www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

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Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000004805

Issued By: Ben Palmer ID number: P12937

To whom this notice is issued

Directorate Name: Canberra Health Services Head of Directorate: Dave Pepper

Site/workplace: 13 Easty Street Phillip ACT 2606

Location within address of workplace:

Served on: Katie McKenzie Method of service: Email Date of issue: 26/07/2022

Due date to remedy the contravention or likely contravention: 09/08/2022

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **47**

Briefly, how the provision is being, or has been, contravened:

On the 3rd June 2022 at 10:00AM, I, Senior Inspector Ben Palmer attended the workplace of the Child and Adolescent Mental Health Services and Perinatal Mental Health, located at 13 Easty Street, Phillip, 2606 ACT (Level 2, Building A), which is under the management control of Canberra Health Services. Upon arrival I identified myself as a WHS inspector and advised the reason for the visit to the workplace representative and various workers at the workplace. The reason for the workplace visit was identified following a complaint that had been raised to WorkSafe ACT regarding several alleged safety issues.

Based on my observations and the information obtained from workers, I, Senior Inspector Ben Palmer at 13:02 on the 3rd June 2022 formed a reasonable belief that Canberra Health Services is contravening the Work Health and Safety Act 2011, Section 47.

The Work Health and Safety Act 2011, Section 47 sets out: The person conducting a business or undertaking must, so far as is reasonably practicable, consult, in accordance with this division and the regulation, with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to work health or safety.

Maximum penalty:

- (a) in the case of an individual—\$20 000; or
- (b) in the case of a body corporate—\$100 000.

Note Strict liability applies to each physical element of this offence (see s 12A).

The workplace visit identified a number of 2-3 story high air-bridge walkways and staircases, that may be, and are, used as access and egress points for the workplace which is located on level 2 of the building. It was observed and confirmed that frosting had been placed on the emergence fire and evacuation access/egress door on level 2 in response to safety concerns raised by staff and following a number of reported workplace safety incidents. In response to the same reported safety incidents and concerns, wooden barricades were erected on the airbridge at the opposing doorway to the frosted fire door on level 2. Evidence collected confirmed the basis for the fire door frosting and the wooden barricade was in response to several previous safety concerns and reported incidents. A Work Health and Safety (WHS) Assessment Report (16 November 2021) also confirmed the matters relating to work health and safety (access egress heights in conjunction with the nature of the work). Evidence collected confirmed that the workplace has not adequately consulted with workers who are directly affected by the matter relating to work health and safety. This was highlighted by evidence collected that the barricades erected on the airbridge walkway (between lift 1 and Building A) had not been

subject to the reported safety incidents. In addition, workers also advised that they were unaware of the controls (erection of wooden barricade, frosting on emergency fire door exit) for the safety matters raised, until the controls were in place. Inadequate consultation during identification and management of hazards and their risks, may expose workers to an increased risk to their health and safety (both physical and psychological).

Based on my observations and the information from workers and workplace representatives, I have formed a reasonable belief that there is a contravention of the Work Health and Safety Act 2011 requiring the issuing of an Improvement Notice.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

Provide confirmation to the issuing inspector of the notice receipt and the display of the notice in a prominent position in the workplace, and

You are to, so far as is reasonably practicable:

1. Undertake adequate consultation as set out in Section 47 of the Work Health and Safety Act 2011 to control the health and safety hazards and risks, regarding the several height's risks in combination with the nature of the work being carried out with these risks.
2. Once direction 1 has been completed, contact the issuing inspector and provide evidence that you have complied with this notice.

The inspector recommends that you:

Refer to

- Work Health and Safety Act 2011
- Work Health and Safety (Work Health and Safety Consultation, Cooperation and Coordination Code of Practice) Approval 2018

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

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Review of this *Work Health and Safety Act* notice

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You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email:

worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at

www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: Worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000004705

Issued By: Ben Palmer ID number: P12937

To whom this notice is issued

Directorate Name: Canberra Health Services Head of Directorate: Dave Pepper

Site/workplace: Yamba Drive GARRAN ACT 2605

Location within address of workplace:

Served on: Jacqui Taylor Method of service: Email Date of issue: 15/07/2022

Due date to remedy the contravention or likely contravention: 12/08/2022

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

I, Senior Inspector Ben Palmer reasonably believe that on the on the 22 June 2022 at 12:50pm, Canberra Health Services are contravening a provision of the Work health and Safety Act 2011 Section 19 (3), (c). Where the Work health and Safety Act 2011 Section 19 (3), (c) sets out: Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable the provision and maintenance of safe systems of work.

Information received from the workplace and work-place visits identified that the person conducting the business or undertaking does not have adequate systems of work in place for controlling the risks associated with worker shortages. The current recruitment system does not ensure effective and timely recruitment of workers to control the risks identified where there is an Inability to attract and retain adequately skilled mid-level staff. At the time of the workplace visit, rostering forecasts (7 Jul-3 Aug 2022) identified 193 worker related shortages (not including worker absences through unplanned leave). An unfinalized recruitment round from the April 2022 was also identified, in conjunction with high staff turnover.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

Confirm receipt of this notice and that it is displayed in a prominent place within the workplace.

You must ensure so far as is reasonably practicably the health and safety of workers/other persons (physical and psychological) by:

1. Reviewing the current recruitment system to ensure it is an effective and timely control measure for the identified risk.
2. In reviewing the current recruitment system, ensure adequate consultation is undertaken.
3. Provide information and training to the relevant workers on the revised recruitment system.
4. Provide evidence of steps 1, 2 and 3 to the issuing inspector, who will assess compliance with the directions in this notice.

The inspector recommends that you:

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: Worksafe @act.gov.au

Phone: (02) 6207 3000

Fax:(02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000004771

Issued By: Ben Palmer

ID number: P12937

To whom this notice is issued

Directorate Name: Canberra Health Services Head of Directorate: Dave Pepper

Site/workplace: Yamba Drive GARRAN ACT 2605

Location within address of workplace:

Served on: Jacqui Taylor

Method of service: Email

Date of issue: 21/07/2022

Due date to remedy the contravention or likely contravention: 05/08/2022

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

I, Senior Inspector Ben Palmer reasonably believe that on the on the 22 June 2022 at 12:50pm, Canberra Health Services Emergency Department are contravening a provision of the Work health and Safety Act 2011 Section 19 (3), (f). Where the Work health and Safety Act 2011 Section 19 (3), (f) sets out: Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable the provision of any information, training or instruction that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking.

Information received from the workplace and the work-place visits identified that the person conducting the business or undertaking have not ensured workers are consistently managing work health and safety Riskman reports. The workplace visit identified that multiple Riskman reports had been submitted by workers, where, insufficient management or control actions were taken to address the risks and hazards raised. Workers identified a lack of communication, consultation, or action from several Riskman reports submitted. The workplace visit identified that assistance from the workplace Work Health and Safety team had been initiated following inadequate or timely responses to Riskman reports submitted.

Inadequate, inconsistent or poor management of workplace work health and safety hazards and risks exposes workers to a risk to their health and safety.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

Confirm receipt of this notice and that it is displayed in a prominent place within the workplace.

You must ensure so far as is reasonably practicably the health and safety of workers/other persons (physical and psychological) by:

1. Ensuring all workers who manage or address hazards and risks in the workplace, are provided with adequate information and training on the Riskman reporting and management process to ensure timely and effective actions are undertaken to adequately

address/control the risks.

2. Provide evidence of the training and information provided for above direction to the issuing inspector, who will assess compliance with the directions in this notice.

The inspector recommends that you:

- WorkSafe ACT code of practice How to manage work health and safety risks
- Preventing Psychological Injury Under Work Health and Safety Laws (safeworkaustralia.gov.au)
- <https://www.worksafe.vic.gov.au/resources/preventing-and-managing-work-related-stress-guidebook-employers>

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email:

worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at

www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: Worksafe @act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000005836

Issued By: Ben Palmer ID number: P12937

To whom this notice is issued

Directorate Name: Canberra Health Services Head of Directorate: Dave Pepper

Site/workplace: Yamba Drive GARRAN ACT 2605

Location within address of workplace:

Served on: Method of service: Email Date of issue: 18/10/2022

Due date to remedy the contravention or likely contravention: 28/10/2022

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

I, Senior Inspector Ben Palmer reasonably believe that on the on the 22 June 2022 at 12:50pm, Canberra Health Services Emergency Department are contravening a provision of the Work health and Safety Act 2011 Section 19 (3), (f). Where the Work health and Safety Act 2011 Section 19 (3), (f) sets out: Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable the provision of any information, training or instruction that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking.

Information received from the workplace and the work-place visits confirmed that the person conducting the business or undertaking have not ensured workers are consistently managing work health and safety Riskman reports. The workplace visit identified that multiple Riskman reports had been submitted by workers, where, insufficient management or control actions were taken to address the risks and hazards raised. Workers identified a lack of communication, consultation, or action from several Riskman reports submitted. The workplace visit identified that assistance from the workplace Work Health and Safety team had been initiated following inadequate or timely responses to Riskman reports submitted.

Inadequate, inconsistent or poor management (low role clarity and poor organisational justice) of workplace work health and safety hazards and risks exposes workers to a risk to their health and safety (Physical and psychological).

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

You must ensure so far as is reasonably practicably ensure the health and safety of workers/other persons (physical and psychological) by:

1. Ensuring all workers who manage or address hazards and risks in the workplace, are provided with adequate information and training on the Riskman reporting and management process to ensure timely and effective actions are undertaken to adequately address/control the risks.

The inspector recommends that you:

Confirm receipt of this notice and that it is displayed in a prominent place within the workplace.

Provide evidence of the training and information provided for above direction to the issuing inspector, who will assess compliance with the directions in this notice.

Consider the following:

- WorkSafe ACT code of practice How to manage work health and safety risks
- Preventing Psychological Injury Under Work Health and Safety Laws (safeworkaustralia.gov.au)
- <https://www.worksafe.vic.gov.au/resources/preventing-and-managing-work-related-stress-guidebook-employers>

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email:

worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at

www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000004772

Issued By: Ben Palmer ID number: P12937

To whom this notice is issued

Directorate Name: Canberra Health Services Head of Directorate: Dave Pepper

Site/workplace: Yamba Drive GARRAN ACT 2605

Location within address of workplace:

Served on: Jacqui Taylor Method of service: Email Date of issue: 21/07/2022

Due date to remedy the contravention or likely contravention: 05/08/2022

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

I, Senior Inspector Ben Palmer reasonably believe that on the on the 22 June 2022 at 12:50pm, Canberra Health Services Emergency Department are contravening a provision of the Work health and Safety Act 2011 Section 19 (3), (c). Where the Work health and Safety Act 2011 Section 19 (3), (c) sets out: Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable the provision and maintenance of safe systems of work.

Information received from the workplace and the work-place visits identified that the person conducting the business or undertaking have not ensured an adequate safe system is in place when engaging workers for additional work-related commitments (shifts). Information from a number of workers during the workplace visits confirmed that some workers may be approached by senior workers with requests for additional work (shift) commitments in excess of 3 times throughout a single work period. Information from the workplace visits has also identified that there exists a pressure (real or perceived) from senior workers to call and/or contact workers outside of their work shifts requesting additional work commitments (shifts).

In conjunction with worker resource pressures, inadequate safe systems to engage workers for the purpose of requesting additional work commitments, exposes workers to a risk to their health and safety (Physical and Psychological).

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

Confirm receipt of this notice and that it is displayed in a prominent place within the workplace.

You must ensure so far as is reasonably practicable the health and safety of workers/other persons (physical and psychological) by:

1. Consulting with workers to develop and implementing a safe system for engaging workers when requesting additional work-related commitments (shifts).
2. Provide information and training to all affected workers on the new system.
3. Provide evidence of the above to directions to the issuing inspector, who will assess compliance with the directions in this notice.

The inspector recommends that you:

Review:

- WorkSafe ACT code of practice How to manage work health and safety risks.

-

https://www.safeworkaustralia.gov.au/system/files/documents/1911/work-related_psychological_health_and_safety_a_systematic_approach

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

(a) in the case of an individual—\$50 000; or

(b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email:

worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at

www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: Worksafe @act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000005838

Issued By: Ben Palmer ID number: P12937

To whom this notice is issued

Directorate Name: Canberra Health Services Head of Directorate: Dave Pepper

Site/workplace: Yamba Drive GARRAN ACT 2605

Location within address of workplace:

Served on: Method of service: Email Date of issue: 18/10/2022

Due date to remedy the contravention or likely contravention: 28/10/2022

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

I, Senior Inspector Ben Palmer reasonably believe that on the on the 22 June 2022 at 12:50pm, Canberra Health Services Emergency Department are contravening a provision of the Work health and Safety Act 2011 Section 19 (3), (c). Where the Work health and Safety Act 2011 Section 19 (3), (c) sets out: Without limiting subsections (1) and (2), a person conducting a business or undertaking must ensure, so far as is reasonably practicable the provision and maintenance of safe systems of work.

Information obtained from the workplace and the work-place visits identified that the person conducting the business or undertaking have not ensured an adequate safe system is in place when engaging workers for additional work-related commitments (shifts). Information from a number of workers during the workplace visits confirmed that some workers may be approached by senior workers with requests for additional work (shift) commitments in excess of 3 times throughout a single work period. Information from the workplace visits has also identified that there exists a pressure (real and perceived) from senior workers to call and/or contact workers outside of their work shifts requesting additional work commitments (shifts).

In conjunction with worker resource pressures and inadequate safe systems to engage workers for the purpose of requesting additional work commitments, exposes workers to a risk to their health and safety (Physical and Psychological).

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

- You must ensure so far as is reasonably practicably the health and safety of workers/other persons (physical and psychological) by:
1. Consulting with workers to develop and implementing a safe system for engaging workers when requesting additional work-related commitments (shifts).
 2. Provide information and training to all affected workers on the new system.

The inspector recommends that you:

Confirm receipt of this notice and that it is displayed in a prominent place within the workplace.

Provide evidence of the above to directions to the issuing inspector, who will assess compliance with the directions in this notice.

Consider the following:

- WorkSafe ACT code of practice How to manage work health and safety risks.

-

https://www.safeworkaustralia.gov.au/system/files/documents/1911/work-related_psychological_health_and_safety_a_systematic_approach

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at

www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: Worksafe @act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000004770

Issued By: Ben Palmer

ID number: P12937

To whom this notice is issued

Directorate Name: Canberra Health Services Head of Directorate: Dave Pepper

Site/workplace: Yamba Drive GARRAN ACT 2605

Location within address of workplace:

Served on: Jacqui Taylor

Method of service: Email

Date of issue: 21/07/2022

Due date to remedy the contravention or likely contravention: 05/08/2022

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **47**

Briefly, how the provision is being, or has been, contravened:

I, Senior Inspector Ben Palmer reasonably believe that on the on the 22 June 2022 at 12:50pm, Canberra Health Services Emergency Department are contravening a provision of the Work health and Safety Act 2011. Section 47. Where the Work health and Safety Act 2011 Section 47 sets out: The person conducting a business or undertaking must, so far as is reasonably practicable, consult, in accordance with this division and the regulation, with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to work health or safety.

Information received from the workplace and the work-place visits identified that the person conducting the business or undertaking has not adequately consulted with workers to ensure effective methods of communication are established. Email has been identified as a primary means for distributing important information or communicating matters relating to work health and safety. The workplace visits also confirmed that workers are restricted from email access during work hours, with most workers required to access emails outside of work times. The workplace visits also confirmed changes to workplace communication processes (flash huddles and flash card) without demonstrating adequate worker consultation.

Poor communication was also identified by workers regarding Riskman reporting. A lack of adequate worker consultation regarding communication exposes workers to a risk to their health and safety (physical and psychological).

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

Confirm receipt of this notice and that it is displayed in a prominent place within the workplace.

You must ensure so far as is reasonably practicably the health and safety of workers/other persons (physical and psychological) by:

1. Adequately consulting with workers to identify what important and safety related information needs to be communicated to ensure worker safety.
2. Adequately consult with workers to ensure an effective and efficient communication method for important information and work

health safety related matters is established.

3. Provide evidence of consultation for the above two directions to the issuing inspector, who will assess compliance with the directions in this notice.

The inspector recommends that you:

Work Health and Safety (Work Health and Safety Consultation, Cooperation and Coordination Code of Practice)

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

(a) in the case of an individual—\$50 000; or

(b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

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Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email:

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www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: Worksafe @act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000005835

Issued By: Ben Palmer

ID number: P12937

To whom this notice is issued

Directorate Name: Canberra Health Services Head of Directorate: Dave Pepper

Site/workplace: Yamba Drive GARRAN ACT 2605

Location within address of workplace:

Served on:

Method of service: Email

Date of issue: 18/10/2022

Due date to remedy the contravention or likely contravention: 21/10/2022

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **47**

Briefly, how the provision is being, or has been, contravened:

I, Senior Inspector Ben Palmer reasonably believe that on the on the 22 June 2022 at 12:50pm, Canberra Health Services Emergency Department are contravening a provision of the Work health and Safety Act 2011 Section 47. Where the Work health and Safety Act 2011 Section 47 sets out: The person conducting a business or undertaking must, so far as is reasonably practicable, consult, in accordance with this division and the regulation, with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to work health or safety.

Information received from the workplace and the work-place visits identified that the person conducting the business or undertaking has not adequately consulted with workers to ensure effective methods of communication are established. Email has been confirmed as a primary means for distributing important information or communicating matters relating to work health and safety. The workplace visits also confirmed that workers are restricted from email access during work hours, with most workers required to access emails outside of work times. The workplace visits also confirmed changes to workplace communication processes (flash huddles and flash card) without demonstrating adequate worker consultation.

Poor communication was also identified by workers regarding Riskman reporting. A lack of adequate worker consultation regarding communication exposes workers to a risk to their health and safety (physical and psychological).

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

You must ensure so far as is reasonably practicably the health and safety of workers/other persons (physical and psychological) by:

1. Adequately consulting with workers to identify what important and safety related information needs to be communicated to ensure worker safety.
2. Adequately consult with workers to ensure an effective and efficient communication method for important information and work health safety related matters is established.

The inspector recommends that you:

Confirm receipt of this notice and that it is displayed in a prominent place within the workplace.

Provide evidence of consultation for the above two directions to the issuing inspector, who will assess compliance with the directions in this notice.

Consider the guidance set out in the Work Health and Safety Consultation, Cooperation and Coordination Code of Practice.

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

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Privacy statement

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Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at

www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: Worksafe @act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000005966

Issued By: Ben Palmer

ID number: P12937

To whom this notice is issued

Directorate Name: Canberra Health Services Head of Directorate: Dave Pepper

Site/workplace: Yamba Drive GARRAN ACT 2605

Location within address of workplace:

Served on:

Method of service: Email

Date of issue: 21/10/2022

Due date to remedy the contravention or likely contravention: 04/11/2022

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **47**

Briefly, how the provision is being, or has been, contravened:

I, Senior Inspector Ben Palmer reasonably believe that on the on the 22 June 2022 at 12:50pm, Canberra Health Services Emergency Department are contravening a provision of the Work health and Safety Act 2011 Section 47. Where the Work health and Safety Act 2011 Section 47 sets out: The person conducting a business or undertaking must, so far as is reasonably practicable, consult, in accordance with this division and the regulation, with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to work health or safety.

Information received from the workplace and the work-place visits identified that the person conducting the business or undertaking has not adequately consulted with workers to ensure effective methods of communication are established. Email has been confirmed as a primary means for distributing important information or communicating matters relating to work health and safety. The workplace visits also confirmed that workers are restricted from email access during work hours, with most workers required to access emails outside of work times. The workplace visits also confirmed changes to workplace communication processes (flash huddles and flash card) without demonstrating adequate worker consultation.

Poor communication was also identified by workers regarding Riskman reporting. A lack of adequate worker consultation regarding communication exposes workers to a risk to their health and safety (physical and psychological).

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

You must ensure so far as is reasonably practicably the health and safety of workers/other persons (physical and psychological) by:

1. Adequately consulting with workers to identify what important and safety related information needs to be communicated to ensure worker safety.
2. Adequately consult with workers to ensure an effective and efficient communication method for important information and work health safety related matters is established.

The inspector recommends that you:

Confirm receipt of this notice and that it is displayed in a prominent place within the workplace.

Provide evidence of consultation for the above two directions to the issuing inspector, who will assess compliance with the directions in this notice.

Consider the guidance set out in the Work Health and Safety Consultation, Cooperation and Coordination Code of Practice.

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

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Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at

www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: Worksafe @act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000005161

Issued By: Meaghan O'Connor ID number: P50341

To whom this notice is issued

Directorate Name: Canberra Health Services Head of Directorate: Dave Pepper

Site/workplace: 30 Mugga Lane Symonston ACT 2609

Location within address of workplace:

Served on: Method of service: Email Date of issue: 29/08/2022

Due date to remedy the contravention or likely contravention: 23/09/2022

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

Canberra Health Services trading as Dhulwa Mental Health Unit (ABN: 82049056234), were conducting mental health related services at 30 Mugga Lane Symonston ACT 2609 on 7th July 2022.

Inspectors spoke with one HSR at the workplace and enquired into the monthly WHS audit and monthly vehicle audit.

Through a section 155 Information Request (INV/E 2022 – 18), Inspectors were able to confirm these audits to be 'Vehicle Monthly Safety Checklist WHSF.37B' and 'WHSF.22- PLANNED INSPECTION CHECKLIST OPERATIONAL (Monthly)'. A review of the audit records identified that completed checklists were unavailable for some months, and the WHSF.22 checklist did not appear to be fit for purpose, with some questions consistently being answer N/A (2.3 Fire stairs not obstructed', 'gas cylinders secure'. It was also identified that '1.1 are all corrective actions from last inspection complete?' was consistently being answered 'yes' despite similar safety concerns being raised on multiple occasions. Instructions indicate that Each 'no' requires further explanation in the 'comment' section, however, multiple 'no' answers throughout the audit records were observed without follow-up comments.

Section 19 of the Work Health and Safety Act states: A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the provision and maintenance of safe systems of work.

Canberra Health Services (trading as Dhulwa Mental Health Unit) has failed in the provision and maintenance of safe system/s of work in relation to risk management in relation to psychosocial hazards.

The workplace could have monitored the completion of these audit checklists to ensure they were being filled in accurately and completely, monthly as per the process. The workplace could have reviewed these control measures (audits) to ensure they fit for purpose in relation to the listed questions or provided further training to the workers writing 'N/A' if the workplace believed the questions to all be applicable.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notice relates.

The inspector directs you to:

So far as is reasonably practicable, comply with the following directions by the due date:

1. Confirm you have received this notice via email to Meaghan.O'Connor@worksafe.act.gov.au
2. Review the safe system of work for undertaking audits within the workplace. Consult with workers during this review.
3. Implement an adequate safe system of work in line with the findings of the review. Consult with workers during this process.
4. Provide adequate information/training to all workers, including HSR's, in relation to the new safe system of work.
5. Once steps 2-4 have been complied with, provide evidence via email to Meaghan.O'Connor@worksafe.act.gov.au

The inspector recommends that you:

Review the following:

Work Health and Safety (How to Manage Work Health and Safety Risks Code of Practice) Approval 2020

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

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- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

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Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

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A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

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The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: [Worksafe @act.gov.au](mailto:Worksafe@act.gov.au)

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000005158

Issued By: Meaghan O'Connor ID number: P50341

To whom this notice is issued

Directorate Name: Canberra Health Services Head of Directorate: Dave Pepper

Site/workplace: 30 Mugga Lane Symonston ACT 2609

Location within address of workplace:

Served on: Method of service: Email Date of issue: 29/08/2022

Due date to remedy the contravention or likely contravention: 05/09/2022

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

Canberra Health Services trading as Dhulwa Mental Health Unit (ABN: 82049056234), were conducting mental health related services at 30 Mugga Lane Symonston ACT 2609 on 7th July 2022.

Inspectors spoke with two members of the management team, manager A and B, and two workers, worker A and B, and enquired into the warning signs/alerts visible on the 'Patient Journal Board'. Neither the workers nor managers could definitively explain what the warning signs/alerts meant. There was some discussion on what the images could potentially relate to, including alerts in the patient admin system (example: aggression, allergy).

Section 19 of the Work Health and Safety Act states: A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking.

Canberra Health Services (trading as Dhulwa Mental Health Unit) has failed in the provision of information or training in relation to the 'Patient Journal Board', which holds hazard/risk information related to the patients. By not providing this information or training, workers are at increased exposure to risks emanating from consumer interactions.

The workplace could have provided this information or training to workers through a symbol chart for the board, which could quickly explain/remind the worker what the 'umbrella image', or 'wrist band' image signifies.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

So far as is reasonably practicable, comply with the following directions by the due date:

1. Confirm you have received this notice via email to Meaghan.O'Connor@worksafe.act.gov.au
2. Review the information provided to workers in relation to the 'Patient Journey Board'. Consult with workers during this review.
3. Provide adequate information/training in relation to the 'Patient Journey Board'
4. Once steps 2-4 have been complied with, provide evidence via email to Meaghan.O'Connor@worksafe.act.gov.au

The inspector recommends that you:

Review the following:

section 19(3)(f) of the Work Health and Safety Act 2011

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email:

worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: Worksafe @act.gov.au

Phone: (02) 6207 3000

Fax:(02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000005159

Issued By: Meaghan O'Connor ID number: P50341

To whom this notice is issued

Directorate Name: Canberra Health Services Head of Directorate: Dave Pepper

Site/workplace: 30 Mugga Lane Symonston ACT 2609

Location within address of workplace:

Served on: Method of service: Email Date of issue: 29/08/2022

Due date to remedy the contravention or likely contravention: 13/10/2022

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

Canberra Health Services trading as Dhulwa Mental Health Unit (ABN: 82049056234), were conducting mental health related services at 30 Mugga Lane Symonston ACT 2609 on 7th July 2022.

Inspectors spoke with two members of the management team, manager A and B, and enquired into the induction process for all levels within Dhulwa Mental Health Unit (DMHU). Inspectors were informed that there was an induction process in place for workers only, however Senior Managers were not taken through a formal induction process, instead learning through 'ways of working' with some tangible learning through the recruitment process (i.e., Roles and responsibilities are covered within recruitment paperwork for each position)

Section 19 of the Work Health and Safety Act states: A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking.

Canberra Health Services (trading as Dhulwa Mental Health Unit) has failed in the provision of information or training in relation to Senior Managers, who undertake a pivotal role in work health and safety, having duties of care in relation to the workers underneath them.

The workplace could have provided this information or training to Senior Managers, using the same concepts they have applied to workers. For example, workers at DMHU are provided a 'nursing process guide' and undertake e-learning prior to commencing at the facility, and are provided with a tour of the facility and information training and instruction on commencement, which is guided by the 'new starter orientation checklist'.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

So far as is reasonably practicable, comply with the following directions by the due date:

1. Confirm you have received this notice via email to Meaghan.O'Connor@worksafe.act.gov.au
2. Review information and training provided to Senior Managers when commencing employment with DMHU. Consult with workers during this review.
3. Implement an adequate induction process for Senior Managers on commencing employment with DMHU. Consult with workers during this process.
4. Provide adequate information/training to current Senior Managers to ensure there are no gaps in their knowledge in relation to the new induction process.
5. Once steps 2-4 have been complied with, provide evidence via email to Meaghan.O'Connor@worksafe.act.gov.au

The inspector recommends that you:

Review the following:

Section 19(3)(f) of the Work Health and Safety Act 2011

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email:

worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at

www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: Worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000005160

Issued By: Meaghan O'Connor ID number: P50341

To whom this notice is issued

Directorate Name: Canberra Health Services Head of Directorate: Dave Pepper

Site/workplace: 30 Mugga Lane Symonston ACT 2609

Location within address of workplace:

Served on: Method of service: Email Date of issue: 29/08/2022

Due date to remedy the contravention or likely contravention: 30/10/2022

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

Canberra Health Services trading as Dhulwa Mental Health Unit (ABN: 82049056234), were conducting mental health related services at 30 Mugga Lane Symonston ACT 2609 on 7th July 2022.

Inspectors spoke with one HSR at the workplace and enquired into the issues/concerns that had been raised with them in their role as HSR. Inspectors were informed that workers have raised a variety of issues, including racial issues stemming from workplace silos, and staffing issues (such as low staff numbers generally, or no males being present on a shift) which were not considered to be fall within the space of Work Health and Safety, or the role of an HSR. The Work Health and Safety Act 2011 relates to both physical and psychosocial hazards, with psychosocial hazards including role overload, poor workplace relationships and conflict, and physically hazardous working environments.

Inspectors spoke with two members of the management team, being manager A and B, and one member of the Canberra Health Services WHS team, and enquired into the monthly audits conducted at DMHU. Inspectors were informed that psychosocial risks were not captured very well within the audit documents, and this was confirmed through a review of the 'WHSF.22 - PLANNED INSPECTION CHECKLIST OPERATIONAL (Monthly)'.

Section 19 of the Work Health and Safety Act states: A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the provision and maintenance of safe systems of work.

Canberra Health Services (trading as Dhulwa Mental Health Unit) has failed in the provision and maintenance of safe system/s of work in relation to risk management in relation to psychosocial hazards.

The workplace could have provided guidance material for its HSR's in relation to their role so far as it relates to DMHU processes. For example, HSR's should be raising psychosocial hazards, such as role overload, through to management, where the associated risks (such as fatigue and workplace conflict) can be adequately controlled. The workplace also could have set up a system to identify reasonably foreseeable psychosocial hazards, assess the associated risk/s, control those risk/s, and review the control measures as required.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

So far as is reasonably practicable, comply with the following directions by the due date:

1. Confirm you have received this notice via email to Meaghan.O'Connor@worksafe.act.gov.au
2. Review the safe system of work for capturing work health and safety hazards and risks, to ensure that it considers psychosocial hazards as well as physical hazards. Consult with workers during this review.
3. Implement an adequate safe system of work in line with the findings of the review. Consult with workers during this process.
4. Provide adequate information/training to all workers, including HSR's, in relation to the new safe system of work.
5. Once steps 2-4 have been complied with, provide evidence via email to Meaghan.O'Connor@worksafe.act.gov.au

The inspector recommends that you:

Review the following:

Work Health and Safety (Preventing and Responding to Bullying) Code of Practice 2012 (No 1) - available via the ACT Legislation Register
Safe work Australia information- available via the following link
(<https://www.safeworkaustralia.gov.au/doc/work-related-psychological-health-and-safety-systematic-approach-meeting-your-duties-archived>)

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government

agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: Worksafe @act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000005157

Issued By: Meaghan O'Connor ID number: P50341

To whom this notice is issued

Directorate Name: Canberra Health Services Head of Directorate: Dave Pepper

Site/workplace: 30 Mugga Lane Symonston ACT 2609

Location within address of workplace:

Served on: Method of service: Email Date of issue: 29/08/2022

Due date to remedy the contravention or likely contravention: 29/09/2022

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

Canberra Health Services trading as Dhulwa Mental Health Unit (ABN: 82049056234), were conducting mental health related services at 30 Mugga Lane Symonston ACT 2609 on 7th July 2022.

Inspectors spoke with two members of the management team, manager A and B, and enquired into the risk management system utilised at Dhulwa Mental Health Unit (DMHU). Inspectors were advised by the managers that risks were formally documented on the WHS Risk Register which is held on Riskman.

Inspectors were also advised that the register captures risks including occupational violence, Dhulwa-specific (environmental), and workforce challenges.

Through a section 155 Information Request (INV/E 2022 – 18), Inspectors were able to confirm that two risk registers were being utilised at DMHU, including a local risk register for DMHU (maintained on Drive Q) and a divisional risk register (maintained on Riskman). A review of both risk registers in comparison to incident reports, audits, and procedures/plans (for example 'Dhulwa Mental Health unit Emergency Plan' for DHMU, established that the register was inadequate in that it did not capture all reasonably foreseeable and known risks in the workplace, and did not capture all the implemented controls within the workplace.

Section 19 of the Work Health and Safety Act states: A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the provision and maintenance of safe systems of work.

Canberra Health Services (trading as Dhulwa Mental Health Unit) has failed in the provision and maintenance of safe system/s of work in relation to risk management and maintenance of control measures.

The workplace could have installed, set up and use correctly, the risk register for Dhulwa Mental Health Unit, ensuring that it captured hazards, risks and controls adequately. The workplace could have ensured the system information was accessible to workers to protect all persons from risks to their health and safety arising from work carried out.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

So far as is reasonably practicable, comply with the following directions by the due date:

1. Confirm you have received this notice via email to Meaghan.O'Connor@worksafe.act.gov.au
2. Review the risk register/s to ensure that all foreseeable and known hazards and risks, and implemented controls are captured. Consult with workers during this review.
3. Implement an adequate review process to ensure that the risk register is adequately maintained. Consult with workers during this process.
4. Provide adequate information/training and accessibility to all levels of workers (including management) in relation to the risk register
5. Once steps 2-4 have been complied with, provide evidence via email to Meaghan.O'Connor@worksafe.act.gov.au

The inspector recommends that you:

Review the following:

Work Health and Safety (How to Manage Work Health and Safety Risks Code of Practice) Approval 2020

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

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Privacy statement

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agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email:

worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at

www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: [Worksafe @act.gov.au](mailto:Worksafe@act.gov.au)

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000005586

Issued By: Meaghan O'Connor ID number: P50341

To whom this notice is issued

Directorate Name: Canberra Health Services Head of Directorate: Dave Pepper

Site/workplace: 30 Mugga Lane Symonston ACT 2609

Location within address of workplace:

Served on: Method of service: Email Date of issue: 06/10/2022

Due date to remedy the contravention or likely contravention: 31/10/2022

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

Canberra Health Services trading as Dhulwa Mental Health Unit (ABN: 82049056234), were conducting mental health related services at 30 Mugga Lane Symonston ACT 2609 on 7th July 2022.

Inspectors spoke with two members of the management team, manager A and B, and enquired into the risk management system utilised at Dhulwa Mental Health Unit (DMHU). Inspectors were advised by the managers that risks were formally documented on the WHS Risk Register which is held on Riskman.

Inspectors were also advised that the register captures risks including occupational violence, Dhulwa-specific (environmental), and workforce challenges.

Through a section 155 Information Request (INV/E 2022 – 18), Inspectors were able to confirm that two risk registers were being utilised at DMHU, including a local risk register for DMHU (maintained on Drive Q) and a divisional risk register (maintained on Riskman). A review of both risk registers in comparison to incident reports, audits, and procedures/plans (for example 'Dhulwa Mental Health unit Emergency Plan' for DHMU, established that the register was inadequate in that it did not capture all reasonably foreseeable and known risks in the workplace, and did not capture all the implemented controls within the workplace.

Section 19 of the Work Health and Safety Act states: A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the provision and maintenance of safe systems of work.

Canberra Health Services (trading as Dhulwa Mental Health Unit) has failed in the provision and maintenance of safe system/s of work in relation to risk management and maintenance of control measures.

The workplace could have installed, set up and use correctly, the risk register for Dhulwa Mental Health Unit, ensuring that it captured hazards, risks and controls adequately. The workplace could have ensured the system information was accessible to workers to protect all persons from risks to their health and safety arising from work carried out.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

So far as is reasonably practicable, comply with the following directions by the due date:

1. Confirm you have received this notice via email to Meaghan.O'Connor@worksafe.act.gov.au
2. Review the risk register/s to ensure that all foreseeable and known hazards and risks, and implemented controls are captured. Consult with workers during this review.
3. Implement an adequate review process to ensure that the risk register is adequately maintained. Consult with workers during this process.
4. Provide adequate information/training and accessibility to all levels of workers (including management) in relation to the risk register
5. Once steps 2-4 have been complied with, provide evidence via email to Meaghan.O'Connor@worksafe.act.gov.au

The inspector recommends that you:

Review the following:

Work Health and Safety (How to Manage Work Health and Safety Risks Code of Practice) Approval 2020

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government

agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email:

worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at

www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: [Worksafe @act.gov.au](mailto:Worksafe@act.gov.au)

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000006413

Issued By: Meaghan O'Connor ID number: P50341

To whom this notice is issued

Directorate Name: Canberra Health Services Head of Directorate: Dave Pepper

Site/workplace: 30 Mugga Lane Symonston ACT 2609

Location within address of workplace:

Served on: Method of service: Email Date of issue: 16/11/2022

Due date to remedy the contravention or likely contravention: 16/12/2022

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

Canberra Health Services trading as Dhulwa Mental Health Unit (ABN: 82049056234), were conducting mental health related services at 30 Mugga Lane Symonston ACT 2609 on 7th July 2022.

Inspectors spoke with two members of the management team, manager A and B, and enquired into the risk management system utilised at Dhulwa Mental Health Unit (DMHU). Inspectors were advised by the managers that risks were formally documented on the WHS Risk Register which is held on Riskman.

Inspectors were also advised that the register captures risks including occupational violence, Dhulwa-specific (environmental), and workforce challenges.

Through a section 155 Information Request (INV/E 2022 – 18), Inspectors were able to confirm that two risk registers were being utilised at DMHU, including a local risk register for DMHU (maintained on Drive Q) and a divisional risk register (maintained on Riskman). A review of both risk registers in comparison to incident reports, audits, and procedures/plans (for example 'Dhulwa Mental Health unit Emergency Plan' for DHMU, established that the register was inadequate in that it did not capture all reasonably foreseeable and known risks in the workplace, and did not capture all the implemented controls within the workplace.

Section 19 of the Work Health and Safety Act states: A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the provision and maintenance of safe systems of work.

Canberra Health Services (trading as Dhulwa Mental Health Unit) has failed in the provision and maintenance of safe system/s of work in relation to risk management and maintenance of control measures.

The workplace could have installed, set up and use correctly, the risk register for Dhulwa Mental Health Unit, ensuring that it captured hazards, risks and controls adequately. The workplace could have ensured the system information was accessible to workers to protect all persons from risks to their health and safety arising from work carried out.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

So far as is reasonably practicable, comply with the following directions by the due date:

1. Confirm you have received this notice via email to Meaghan.O'Connor@worksafe.act.gov.au
2. Review the risk register/s to ensure that all foreseeable and known hazards and risks, and implemented controls are captured. Consult with workers during this review.
3. Implement an adequate review process to ensure that the risk register is adequately maintained. Consult with workers during this process.
4. Provide adequate information/training and accessibility to all levels of workers (including management) in relation to the risk register
5. Once steps 2-4 have been complied with, provide evidence via email to Meaghan.O'Connor@worksafe.act.gov.au

The inspector recommends that you:

Review the following:

Work Health and Safety (How to Manage Work Health and Safety Risks Code of Practice) Approval 2020

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

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agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: Worksafe @act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000005173

Issued By: Meaghan O'Connor ID number: P50341

To whom this notice is issued

Directorate Name: Canberra Health Services Head of Directorate: Dave Pepper

Site/workplace: 30 Mugga Lane Symonston ACT 2609

Location within address of workplace:

Served on: Method of service: Email Date of issue: 30/08/2022

Due date to remedy the contravention or likely contravention: 30/09/2022

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

Canberra Health Services trading as Dhulwa Mental Health Unit (ABN: 82049056234), were conducting mental health related services at 30 Mugga Lane Symonston ACT 2609 on 7th July 2022.

Inspectors spoke with two members of the management team, manager A and B, and enquired into the incident management system utilised at Dhulwa Mental Health Unit (DMHU). Inspectors were advised by the managers that incident reports were submitted via Riskman..

Through a section 155 Information Request (INV/E 2022 – 18), Inspectors were able to confirm that incidents were being submitted via Riskman. A review of the incident records captured on Riskman (both staff and clinical records) show that risk management is inadequate, in that controls are not consistently identified and implemented as risks are identified.

For example, some incidents have no identified controls and/or investigation recorded some incidents have 'potential controls' recorded with no indication on whether these controls were subsequently implemented, and some repeated incidents of physical aggression have the same controls copied/pasted into each incident record indicating that the controls have not been reviewed for effectiveness despite repeated occurrences.

Section 19 of the Work Health and Safety Act states: A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the provision and maintenance of safe systems of work.

Canberra Health Services (trading as Dhulwa Mental Health Unit) has failed in the provision and maintenance of safe system/s of work in relation to risk management in relation to reported incidents.

The workplace could have completed the Riskman forms completely, ensuring all sections were filled in as per the section title. The workplace could have implemented a system to ensure controls were identified for each incident in line with the Hierarchy of Control, were fit for purpose and implemented effectively within with the workplace and were reviewed each time a similar/repeated incident occurred.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

So far as is reasonably practicable, comply with the following directions by the due date:

1. Confirm you have received this notice via email to Meaghan.O'Connor@worksafe.act.gov.au
2. Review the safe system of work for risk management through the Riskman platform. Consult with workers during this review.
3. Implement an adequate safe system of work in line with the findings of the review, to ensure that moving forward, all incidents are adequately investigated, and the risks associated with those incidents are controlled. Consult with workers during this process.
4. Provide adequate information/training to all workers, including managers/supervisors with oversight of Riskman, in relation to the new safe system of work.
5. Once steps 2-4 have been complied with, provide evidence via email to Meaghan.O'Connor@worksafe.act.gov.au

The inspector recommends that you:

Review the following:

Work Health and Safety (How to Manage Work Health and Safety Risks Code of Practice) Approval 2020- Available on the ACT Legislation Register

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

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and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email:

worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at

www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: [Worksafe @act.gov.au](mailto:Worksafe@act.gov.au)

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000006730

Issued By: Meaghan O'Connor ID number: P50341

To whom this notice is issued

Name of registered company or Name of individual: Canberra Health Services

ABN: 82049056234 Site/workplace: CENTENARY HOSPITAL FOR WOMEN AND CHILDREN 77 YAMBA DR Garran ACT 2605

Location within address of workplace:

Served on: Dave Pepper Method of service: Email Date of issue: 09/12/2022

Due date to remedy the contravention or likely contravention: 03/02/2023

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

On Wednesday 26/10/2022 at approximately 11:45 am, WorkSafe ACT inspectors Meaghan O'Connor and Jenny Nguyen, attended City Community Health Centre (Canberra Health Services, ABN: 82049056234) located at 1 Moore Street, Canberra, ACT 2601. On Thursday 08/12/2022 at approximately 3:03 pm, WorkSafe ACT inspectors Meaghan O'Connor and Stephen O'Rourke, re-attended this same workplace.

Following completion of the two workplace visits and in conjunction with information received in response to a section 155 notice, I, Inspector O'Connor formed a reasonable belief that Canberra Health Services has contravened a provision of the Work Health and Safety Act 2011, being section 19. Section 19 states that a person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of workers engaged or caused to be engaged by the person while the workers are at work in the business or undertaking.

Workers are exposed to a risk of harm from an inadequate induction process on commencement at the workplace.

At the first workplace visit, inspectors spoke with two workers of the management team and were advised that medical workers are not provided information, training, or instruction on the workplace grievance process at the time of commencement. A review of the 'New Starter Orientation Checklist' (December 2020) received in response to a section 155 notice, confirmed that the workplace grievance process is not included in this checklist.

A review of the 'New Starter Orientation Checklist' (December 2020), received in response to a section 155 notice, confirmed the following:

- workers are not provided information, training, or instruction on workplace-specific hazards and risks and implemented control measures.
- Workers are not provided information, training, or instruction on the location of first-aid equipment and first-aid facilities
- Workers are not provided information, training, or instruction on the location of fire-fighting equipment
- Workers are not provided information, training, or instruction on storage or use of hazardous substances
- Workers are not provided information, training, or instruction on workers compensation processes
- Workers are not provided information, training, or instruction on how to use Riskman for reporting purposes

A review of the 'CHS Welcome Booklet' and 'MHJHADS Orientation Booklet' identified that while these documents touched on some of the aspects above (for example, the 'CHS Welcome Booklet' states 'It is a legislative requirement under the Work Health and Safety Act 2011 to report all incidents. CHS requires prompt reporting of all accidents, incidents and near misses using the online

Staff Incident Reporting module of RiskMan.'), the level of detail is inadequate (for example, it does not provide a link to Riskman or information on how to complete Riskman reports).

At the workplace visit inspectors were also advised that while the team leader is generally responsible for taking new workers through induction, the senior clinicians can complete this task if the team leader is unavailable. A worker of the management team confirmed that neither the team leader or senior clinicians are provided any specific training on the induction process, further highlighting the need for any orientation checklist to be clear and detailed.

At the second workplace visit, inspectors spoke with one worker of the management team and were provided with a different orientation checklist, 'Orientation Checklist' (August 2019). While this checklist has likely been superseded by the 'New Starter Orientation Checklist' (based on dates), it is still being used for induction purposes at this centre.

Low role clarity, through the inadequate provision of information and training within a workplace, can lead to an increased risk of harm to workers and others, including psychological or physical injuries or illness.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

Ensure the work health and safety of workers, so far as is reasonably practical, by the compliance due date:

1. Review the induction process at City Community Health Centre, to ensure it includes all information, training and instruction that is necessary to protect workers from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking.
2. Consult with workers and their representatives during the review.
3. Update the induction process at City Community Health Centre in line with the findings of the review.
4. Provide information, training, and instruction to all current workers to ensure that there are no gaps in the information, training, and instruction they have been provided.
5. Provide information, training and instruction to all current workers of the management team that are likely to oversee induction process (for example, team leaders and senior clinicians) to ensure that there are no gaps in the information, training and instruction they provide to new workers.

The inspector recommends that you:

Recommendations:

1. Confirm that you are in receipt of this Improvement Notice via email to Meaghan.O'Connor@worksafe.act.gov.au
2. Review the information available at the following website
<https://www.safeworkaustralia.gov.au/safety-topic/managing-health-and-safety/mental-health/psychosocial-hazards/lack-role-clarity>
3. Review the information available at the following website
<https://www.worksafe.act.gov.au/health-and-safety-portal/safety-resources/safety-checklists>
4. Contact the issuing Inspector Meaghan.O'Connor@worksafe.act.gov.au and provide evidence of compliance with the above directions.

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which

work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

(a) in the case of an individual—\$50 000; or

(b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

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Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email:

worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at

www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: [Worksafe @act.gov.au](mailto:Worksafe@act.gov.au)

Phone: (02) 6207 3000

Fax:(02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000006731

Issued By: Meaghan O'Connor ID number: P50341

To whom this notice is issued

Name of registered company or Name of individual: Canberra Health Services

ABN: 82049056234 Site/workplace: CENTENARY HOSPITAL FOR WOMEN AND CHILDREN 77 YAMBA DR Garran ACT 2605

Location within address of workplace:

Served on: Dave Pepper Method of service: Email Date of issue: 09/12/2022

Due date to remedy the contravention or likely contravention: 03/02/2023

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

On Wednesday 26/10/2022 at approximately 11:45 am, WorkSafe ACT inspectors Meaghan O'Connor and Jenny Nguyen, attended City Community Health Centre (Canberra Health Services, ABN: 82049056234) located at 1 Moore Street, Canberra, ACT 2601. On Thursday 08/12/2022 at approximately 3:03 pm, WorkSafe ACT inspectors Meaghan O'Connor and Stephen O'Rourke, re-attended this same workplace.

Following completion of the two workplace visits and in conjunction with information received in response to a section 155 notice, I, Inspector O'Connor formed a reasonable belief that Canberra Health Services has contravened a provision of the Work Health and Safety Act 2011, being section 19. Section 19 states that a person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of workers engaged or caused to be engaged by the person while the workers are at work in the business or undertaking.

Workers are exposed to a risk of harm from the psychosocial hazards 'low role clarity' and 'role conflict' in relation to the 'WHSF.23 – PLANNED INSPECTION CHECKLIST' (the checklist).

A review of the checklist identified that some of the questions contained within could not reasonably be answered by the HSR or team leader responsible for completing the checklist. For example, Item No 1.6 of the checklist asks, 'Is the first aid kit fully stocked and items in date'. At the second workplace visit, inspectors were advised by a worker of the management team that there is a floor/level First-Aid Officer, and that this person was reasonable for ensuring the first-aid kits on that floor/level was maintained. A review of the two (2) first-aid kits available at the workplace identified that one first-aid kit had expired Sodium Chloride Irrigation Solution (July 21) and neither kit had an inventory checklist for workers to check the items against to ensure the kit was 'fully stocked'.

A review of section 9. Machinery and Equipment, also identified some items that are not available for use at the workplace, including 'sling/hoist/ overhead lifters', with the comment section indicating that no equipment is used in the workplace.

A review of section 8 Personal Protective Equipment (PPE), also identified some items that are not required at the workplace, including 'hearing protection', with the comment section indicating that there is no use of PPE in the workplace.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notice relates.

The inspector directs you to:

Ensure the work health and safety of workers, so far as is reasonably practical, by the compliance due date:

1. Review the 'WHSF.23- PLANNED INSPECTION CHECKLIST' to ensure that it is relevant to the work being undertaken at City Community Health Centre. Consult with workers during this review.
2. Update the 'WHSF.23 – PLANNED INSPECTION CHECKLIST' in line with the review, ensuring that it provides an adequate point in time overview of the health and safety of the workplace.
3. Provide adequate information and training to all workers in relation to the newly updated 'WHSF.23 – PLANNED INSPECTION CHECKLIST', including those workers who are responsible for completing the checklist.

The inspector recommends that you:

Recommendations

1. Confirm you have received this notice via email to Meaghan.O'Connor@worksafe.act.gov.au
2. Contact the issuing Inspector Meaghan.O'Connor@worksafe.act.gov.au and provide evidence of compliance with the above directions.

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share,

and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: [Worksafe @act.gov.au](mailto:Worksafe@act.gov.au)

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000006736

Issued By: Meaghan O'Connor ID number: P50341

To whom this notice is issued

Name of registered company or Name of individual: Canberra Health Services

ABN: 82049056234 Site/workplace: CENTENARY HOSPITAL FOR WOMEN AND CHILDREN 77 YAMBA DR Garran ACT 2605

Location within address of workplace:

Served on: Dave Pepper Method of service: Email Date of issue: 09/12/2022

Due date to remedy the contravention or likely contravention: 26/12/2022

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

On Wednesday 26/10/2022 at approximately 11:45 am, WorkSafe ACT inspectors Meaghan O'Connor and Jenny Nguyen, attended City Community Health Centre (Canberra Health Services, ABN: 82049056234) located at 1 Moore Street, Canberra, ACT 2601. On Thursday 08/12/2022 at approximately 3:03 pm, WorkSafe ACT inspectors Meaghan O'Connor and Stephen O'Rourke, re-attended this same workplace.

Following completion of the two workplace visits and in conjunction with information received in response to a section 155 notice, I, Inspector O'Connor formed a reasonable belief that Canberra Health Services has contravened a provision of the Work Health and Safety Act 2011, being section 19. Section 19 states that a person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of workers engaged or caused to be engaged by the person while the workers are at work in the business or undertaking.

Workers are exposed to a risk of further injury or illness at the workplace due to inadequate first-aid equipment.

At the second workplace visit, inspectors enquired into the provision of first-aid equipment at the workplace. A review of the two (2) first-aid kits available at the workplace identified that one first-aid kit had expired Sodium Chloride Irrigation Solution (July 21), one first aid kit had significantly more items than the other, and neither kit had an inventory checklist for workers to check the items against to ensure the kit was fully stocked.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

Directions:

Ensure the work health and safety of workers, so far as is reasonably practicable, by the compliance due date:

1. Undertake an assessment at the workplace to determine what type of first-aid equipment is required. In undertaking this assessment, ensure you have regard to all relevant matters outlined in section 42(3) of the Work Health and Safety Act 2011.
2. Provide first-aid equipment for the workplace in line with the assessment, ensuring that each worker at the workplace has access to the equipment.

3. Develop a safe system of work to ensure that the first-aid equipment is adequately maintained at the workplace, including that items are in working order, have not deteriorated, are within their expiry dates and sterile products are sealed and have not been tampered with.

The inspector recommends that you:

Recommendations:

1. Confirm that you are in receipt of this Improvement Notice via email to Meaghan.O'Connor@worksafe.act.gov.au
2. Review the information available at the following website
<https://legislation.act.gov.au/View/ni/2020-543/current/html/2020-543.html> (First Aid in the Workplace Code of Practice)
3. Contact the issuing Inspector Meaghan.O'Connor@worksafe.act.gov.au and provide evidence of compliance with the above directions.

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email:

worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at

www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: Worksafe @act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000006740

Issued By: Meaghan O'Connor ID number: P50341

To whom this notice is issued

Name of registered company or Name of individual: Canberra Health Services

ABN: 82049056234 Site/workplace: CENTENARY HOSPITAL FOR WOMEN AND CHILDREN 77 YAMBA DR Garran ACT 2605

Location within address of workplace:

Served on: Dave Pepper Method of service: Email Date of issue: 09/12/2022

Due date to remedy the contravention or likely contravention: 26/12/2022

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

On Wednesday 26/10/2022 at approximately 11:45 am, WorkSafe ACT inspectors Meaghan O'Connor and Jenny Nguyen, attended City Community Health Centre (Canberra Health Services, ABN: 82049056234) located at 1 Moore Street, Canberra, ACT 2601. On Thursday 08/12/2022 at approximately 3:03 pm, WorkSafe ACT inspectors Meaghan O'Connor and Stephen O'Rourke, re-attended this same workplace.

Following completion of the two workplace visits and in conjunction with information received in response to a section 155 notice, I, Inspector O'Connor formed a reasonable belief that Canberra Health Services has contravened a provision of the Work Health and Safety Act 2011, being section 19. Section 19 states that a person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of workers engaged or caused to be engaged by the person while the workers are at work in the business or undertaking.

Workers are exposed to a significant risk of harm from electric shock, including injury or death.

At the workplace visit, inspectors observed some electrical equipment throughout the workplace with electrical test and tag present, and some electrical equipment without test and tag present. The same types of items (computer equipment) were observed with and without tagging, and with a 12-month re-test date and a 5-year re-test date. An environment where the equipment/supply cord is prone to flexing or open to abuse (hostile environment) requires 12-month testing in line with Australian Standard 3760:2022. Some new electrical items were also observed in the workplace, without a tag indicating it was new to service.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

Directions:

Ensure the work health and safety of workers, so far as is reasonably practicable, by the compliance due date:

1. Have all electrical items in the workplace that will be supplied with electricity through electrical socket outlets tested and certified

- safe to use by a competent person, as set out in regulation 150 of the Work Health and Safety Regulation 2011.
2. Develop a process to ensure the on-going maintenance of all electrical items.
 3. Ensure a record of the electrical testing is retained, as set out in at regulation 150 of the Work Health and Safety Regulation 2011.

The inspector recommends that you:

Recommendations:

1. Confirm that you are in receipt of this Improvement Notice via email to Meaghan.O'Connor@worksafe.act.gov.au.
2. Review the information available within the 'Managing Electrical Risks in the Workplace Code of Practice' (<https://legislation.act.gov.au/View/ni/2020-556/current/html/2020-556.html>)
3. Contact the issuing Inspector Meaghan.O'Connor@worksafe.act.gov.au and provide evidence of compliance with the above directions.

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

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Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: Worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000006796

Issued By: Meaghan O'Connor ID number: P50341

To whom this notice is issued

Name of registered company or Name of individual: Canberra Health Services

ABN: 82049056234 Site/workplace: CENTENARY HOSPITAL FOR WOMEN AND CHILDREN 77 YAMBA DR Garran ACT 2605

Location within address of workplace:

Served on: Dave Pepper Method of service: Email Date of issue: 20/12/2022

Due date to remedy the contravention or likely contravention: 03/02/2023

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

On Wednesday 26/10/2022 at approximately 11:45 am, WorkSafe ACT inspectors Meaghan O'Connor and Jenny Nguyen, attended City Community Health Centre (Canberra Health Services, ABN: 82049056234) located at 1 Moore Street, Canberra, ACT 2601. On Thursday 08/12/2022 at approximately 3:03 pm, WorkSafe ACT inspectors Meaghan O'Connor and Stephen O'Rourke, re-attended this same workplace.

Following completion of the two workplace visits and in conjunction with information received in response to a section 155 notice, I, Inspector O'Connor formed a reasonable belief that Canberra Health Services has contravened a provision of the Work Health and Safety Act 2011, being section 19. Section 19 states that a person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of workers engaged or caused to be engaged by the person while the workers are at work in the business or undertaking.

Workers are exposed to a significant risk of harm from electric shock, including injury or death.

At the workplace visit, inspectors observed some electrical equipment throughout the workplace with electrical test and tag present, and some electrical equipment without test and tag present. The same types of items (computer equipment) were observed with and without tagging, and with a 12-month re-test date and a 5-year re-test date. An environment where the equipment/supply cord is prone to flexing or open to abuse (hostile environment) requires 12-month testing in line with Australian Standard 3760:2022. Some new electrical items were also observed in the workplace, without a tag indicating it was new to service.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

Directions:

Ensure the work health and safety of workers, so far as is reasonably practicable, by the compliance due date:

1. Have all electrical items in the workplace that will be supplied with electricity through electrical socket outlets tested and certified

- safe to use by a competent person, as set out in regulation 150 of the Work Health and Safety Regulation 2011.
2. Develop a process to ensure the on-going maintenance of all electrical items.
 3. Ensure a record of the electrical testing is retained, as set out in at regulation 150 of the Work Health and Safety Regulation 2011.

The inspector recommends that you:

Recommendations:

1. Confirm that you are in receipt of this Improvement Notice via email to Meaghan.O'Connor@worksafe.act.gov.au.
2. Review the information available within the 'Managing Electrical Risks in the Workplace Code of Practice' (<https://legislation.act.gov.au/View/ni/2020-556/current/html/2020-556.html>)
3. Contact the issuing Inspector Meaghan.O'Connor@worksafe.act.gov.au and provide evidence of compliance with the above directions.

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

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Maximum penalty:

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Contents of Notice

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Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

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Review of this Work Health and Safety Act notice

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You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: [Worksafe @act.gov.au](mailto:Worksafe@act.gov.au)

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000006729

Issued By: Meaghan O'Connor ID number: P50341

To whom this notice is issued

Name of registered company or Name of individual: Canberra Health Services

ABN: 82049056234 Site/workplace: CENTENARY HOSPITAL FOR WOMEN AND CHILDREN 77 YAMBA DR Garran ACT 2605

Location within address of workplace:

Served on: Dave Pepper Method of service: Email Date of issue: 09/12/2022

Due date to remedy the contravention or likely contravention: 03/02/2023

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

On Wednesday 26/10/2022 at approximately 11:45 am, WorkSafe ACT inspectors Meaghan O'Connor and Jenny Nguyen, attended City Community Health Centre (Canberra Health Services, ABN: 82049056234) located at 1 Moore Street, Canberra, ACT 2601. On Thursday 08/12/2022 at approximately 3:03 pm, WorkSafe ACT inspectors Meaghan O'Connor and Stephen O'Rourke, re-attended this same workplace.

Following completion of the two workplace visits and in conjunction with information received in response to a section 155 notice, I, Inspector O'Connor formed a reasonable belief that Canberra Health Services has contravened a provision of the Work Health and Safety Act 2011, being section 19. Section 19 states that a person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of workers engaged or caused to be engaged by the person while the workers are at work in the business or undertaking.

Workers are exposed to a risk of harm from inadequate risk management at the workplace.

At the workplace visit, inspectors spoke with two workers of the management team and were advised that a risk register existed at the divisional level only. A review of the risk register received in response to a section 155 notice confirmed that not all reasonably foreseeable hazards have been identified, nor the associated risks assessed and controlled. For example, this document does not identify psychosocial hazards within the workplace, or other general hazards and risks, such as slips, trips and falls, electrical, and ergonomic. Discussions with workers of the management team also confirm that occupational violence is a substantial risk at this workplace, with security being called to assist with OV-related incidents at least once a week, and yet this is not captured on the risk register. The workplace was unable to demonstrate a safe system of work for risk management at City Community Health Centre. Inadequate risk management within a workplace can lead to an increased risk of harm to workers and others, including injury and death.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

Ensure the work health and safety of workers, so far as is reasonably practicable, by the compliance due date:

1. Develop a safe system of work for risk management at City Community Health Centre, including the identification of reasonably foreseeable hazards, the assessment of associated risks, the implementation of control measures, and the maintenance and review of control measures.
2. Consult with workers and their representatives when identifying hazards and assessing risks to health and safety arising from the work carried out or to be carried out by the business or undertaking, and when making decisions about ways to eliminate or minimise those risks
3. Update the induction process at City Community Health Centre to include the new safe system of work.
4. Provide information, training, and instruction to all current workers on the new safe system of work.

The inspector recommends that you:

Recommendations:

1. Confirm that you are in receipt of this Improvement Notice via email to Meaghan.O'Connor@worksafe.act.gov.au
2. Review the information available at the following website
<https://legislation.act.gov.au/View/ni/2020-547/current/html/2020-547.html> (How to Manage Work Health and Safety Risks Code of Practice)
3. Contact the issuing Inspector Meaghan.O'Connor@worksafe.act.gov.au and provide evidence of compliance with the above directions.

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: [Worksafe @act.gov.au](mailto:Worksafe@act.gov.au)

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This is an Improvement Notice issued under section 191 of the Work Health and Safety Act 2011

Information

Notice number N-0000006741

Issued By: Meaghan O'Connor

ID number: P50341

To whom this notice is issued

Name of registered company or Name of individual: Canberra Health Services

ABN: 82049056234 Site/workplace: CENTENARY HOSPITAL FOR WOMEN AND CHILDREN 77 YAMBA DR Garran ACT 2605

Location within address of workplace:

Served on: Dave Pepper

Method of service: Email

Date of issue: 09/12/2022

Due date to remedy the contravention or likely contravention: 26/12/2022

Description

The inspector believes the person:

- a) is contravening a provision of this Act; or
- b) has contravened a provision in circumstances that make it likely that the contravention will continue to be repeated; and

The provision that the inspector believes is being or has been contravened is **WHS Acts** Section number - **19**

Briefly, how the provision is being, or has been, contravened:

On Wednesday 26/10/2022 at approximately 11:45 am, WorkSafe ACT inspectors Meaghan O'Connor and Jenny Nguyen, attended City Community Health Centre (Canberra Health Services, ABN: 82049056234) located at 1 Moore Street, Canberra, ACT 2601. On Thursday 08/12/2022 at approximately 3:03 pm, WorkSafe ACT inspectors Meaghan O'Connor and Stephen O'Rourke, re-attended this same workplace.

Following completion of the two workplace visits, I, Inspector O'Connor formed a reasonable belief that Canberra Health Services has contravened a provision of the Work Health and Safety Act 2011, being section 19. Section 19 states that a person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of workers engaged or caused to be engaged by the person while the workers are at work in the business or undertaking.

Workers are exposed to a risk of harm from the inadequate provision of any information, training, or instruction that is necessary to protect all persons from risks to their health and safety arising in the case of an emergency at the workplace.

At the second workplace visit, a review of the evacuation diagram identified that it was expired by 6 months, having a publish date of 1 June 2017 and a validity date of 1 June 2022.

Uncertainty of worker responsibility and location of equipment in an emergency can lead to an increased risk of harm to both workers and others, including injury or death.

This Notice may include directions concerning the measures to be taken to remedy the contravention or prevent the likely contravention, or matters or activities causing the contravention or likely contravention to which this notices relates.

The inspector directs you to:

- Ensure the work health and safety of workers, so far as is reasonably practicable, by the compliance due date:
1. Update the emergency evacuation diagrams at the workplace, ensuring that they comply with the relevant standards.

The inspector recommends that you:

Recommendations

1. Confirm that you are in receipt of this Improvement Notice via email to Meaghan.O'Connor@worksafe.act.gov.au.
2. Review the information available at the following page: <https://www.safeworkaustralia.gov.au/doc/emergency-plans-fact-sheet>
3. Contact the issuing Inspector Meaghan.O'Connor@worksafe.act.gov.au and provide evidence of compliance with the above directions

See over for important information on your rights and responsibilities.

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email:

worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at

www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: [Worksafe @act.gov.au](mailto:Worksafe@act.gov.au)

Phone: (02) 6207 3000

Fax:(02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
 Head of Directorate name: Dave Pepper
 ABN: 82049056234
 ACN:
 Trading As: The Canberra Hospital
 Address: Yamba Drive, Garran, ACT, 2605
 Due Date: 31 March, 2023

Details of contravention:

Site location: Yamba Drive, GARRAN ACT 2605

I Danielle Grant reasonably believe on 9/03/2023 3:00 PM that you contravened a provision of the Work Health and Safety Act 2011, section 19 - Primary duty of care. Section 19 states- A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of workers engaged, or caused to be engaged, by the person and workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking.

Brief description of how the provision is being or has been contravened:

Information received during workplace visits and within information obtained from the workplace confirmed there are reasonably foreseeable hazards and risks that have not been identified, assessed, and controlled on the ICU Risk Register (version 2207). Work-related violence and aggression, role overload, fatigue and burn out, and emotional demand are some of the identified and observed hazards that have not been included on the ICU Risk Register at the time enquiries were undertaken. Some risk descriptions on ICU Risk Register fail to identify the risk, the cause, and the consequence. Others do not have a risk review date. The workplace confirmed the risk register is not used in workplace health and safety inductions or in any other way that is communicated or made available to workers in the ICU.

It would be reasonably practicable to review and update the risk register to enable it to be a document that is used by the workplace to communicate risks, hazards, and controls for the ICU.

Not identifying assessing and controlling reasonably foreseeable hazards and risks or communicating these to workers leaves workers exposed to the psychosocial hazards of low role clarity and a hazardous working environment. Low role clarity and a hazardous working environment can increase the occurrence of prolonged or significant workplace stress. Prolonged work-related stress can have a significant impact on workers physical and psychological health and safety and have the potential to result in injury.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure the health and safety of workers, so far as is reasonably practicable by:

1. Review and update the ICU Risk Register to ensure it captures all reasonably foreseeable hazards and risks
2. Ensure that adequate consultation with relevant workers occurs when reviewing and updating the risk register and implementing control measures
3. Provide workers with the information, training and instruction relevant to them following the review of the risk register

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

Please contact the inspector whom issued this notice to confirm compliance prior to the day by which the person is required to remedy the contravention or likely contravention.

Confirm receipt of this notice via email to Danielleg.grant@worksafe.act.gov.au

In complying with the directions, refer to the following reference tools:

- WHS Act 2011
- WorkSafe ACT, How to manage work health and safety risks Code of Practice 2020
- WorkSafe ACT, Consultation, Cooperation and Coordination Code of Practice 2022

Issuing Details

Issued by: Danielle Grant

ID number: 87900326

Date issued: 08/03/2023

Service method: Email

Notice emailed to: rosalie.austin@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the Work Health and Safety Act 2011 and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the Information Privacy Act 2014. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
 Head of Directorate name: Dave Pepper
 ABN: 82049056234
 ACN:
 Trading As: The Canberra Hospital
 Address: Yamba Drive, Garran, ACT, 2605
 Due Date: 19 April, 2023

Details of contravention:

Site location: Yamba Drive, GARRAN ACT 2605

I Danielle Grant reasonably believe on 9/02/2023 3:00 PM that you contravened a provision of the Work Health and Safety Act 2011, section 19 - Primary duty of care. Section 19 states- A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of workers engaged, or caused to be engaged, by the person and workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking.

Brief description of how the provision is being or has been contravened:

Information received during workplace visits and within information obtained from the workplace confirmed the workplace has failed to ensure a safe working environment by exposing workers to the risks of burn out and fatigue. The workplace has a fatigue management policy statement (DGD18-007) however it did not provide any practical processes for application within Canberra Health Services different business units. There was no evidence able to be provided that demonstrated how the workplace actively identifies, assesses, and manages fatigue related risk and how the workplace should respond to fatigue related incidents, errors, or behaviours. During workplace visits, workers in the ICU reported significant exhaustion that impacted their work, working double shifts of 19 hours, often going without some of their entitled breaks and not having any appropriate assessment of their fatigue levels before being asked to do overtime and double shifts .

It would be reasonably practicable for the workplace to implement fatigue management processes to reduce the risks of fatigue in a demanding and busy work environment. It would also be reasonably practicable to provide workers and management with the information and training on fatigue risks and related risk management processes to manage fatigue related risk.

The risks of fatigue and burn out are not controlled so far as reasonably practicable, and this leaves workers exposed to the risk of prolonged stress and leading to burn out and fatigue. Experiences of prolonged or significant work-related stress, burnout and fatigue can have a significant impact on workers physical and psychological health and safety and have the potential to result in injury.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure the health and safety of workers, so far as is reasonably practicable by:

1. Implementing safe systems of work for managing the risks of fatigue
2. Ensuring that timely and adequate consultation with relevant workers occurs when developing safe systems of work and implementing control measures to reduce risks of fatigue
3. Provide workers and management with the information, training and instruction that is relevant to the outcomes of the above processes

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

Please contact the inspector whom issued this notice to confirm compliance prior to the day by which the person is required to remedy the contravention or likely contravention.

Confirm receipt of this notice via email to Danielleg.grant@worksafe.act.gov.au

In complying with the directions, refer to the following reference tools:

- WHS Act 2011
- Safe Work Australia Guide for Managing the risk of fatigue at work 2013
- WorkSafe ACT, Consultation, Cooperation and Coordination Code of Practice 2022

Issuing Details

Issued by: Danielle Grant

ID number: 87900326

Date issued: 08/03/2023

Service method: Email

Notice emailed to: daniel.guthrie@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

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Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE EXTENSION

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
Head of Directorate name: Dave Pepper
ABN: 82049056234
ACN:
Trading As: The Canberra Hospital
Address: Yamba Drive, Garran, ACT, 2605

Details of contravention:

Site location: Yamba Drive, GARRAN ACT 2605

I Danielle Grant reasonably believe on 9/02/2023 3:00 PM that you contravened a provision of the Work Health and Safety Act 2011, section 19 - Primary duty of care. Section 19 states- A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of workers engaged, or caused to be engaged, by the person and workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking.

Brief description of how the provision is being or has been contravened:

Information received during workplace visits and within information obtained from the workplace confirmed the workplace has failed to ensure a safe working environment by exposing workers to the risks of burn out and fatigue. The workplace has a fatigue management policy statement (DGD18-007) however it did not provide any practical processes for application within Canberra Health Services different business units. There was no evidence able to be provided that demonstrated how the workplace actively identifies, assesses, and manages fatigue related risk and how the workplace should respond to fatigue related incidents, errors, or behaviours. During workplace visits, workers in the ICU reported significant exhaustion that impacted their work, working double shifts of 19 hours, often going without some of their entitled breaks and not having any appropriate assessment of their fatigue levels before being asked to do overtime and double shifts .

It would be reasonably practicable for the workplace to implement fatigue management processes to reduce the risks of fatigue in a demanding and busy work environment. It would also be reasonably practicable to provide workers and management with the information and training on fatigue risks and related risk management processes to manage fatigue related risk.

The risks of fatigue and burn out are not controlled so far as reasonably practicable, and this leaves workers exposed to the risk of prolonged stress and leading to burn out and fatigue. Experiences of prolonged or significant work-related stress, burnout and fatigue can have a significant impact on workers physical and psychological health and safety and have the potential to result in injury.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure the health and safety of workers, so far as is reasonably practicable by:

1. Implementing safe systems of work for managing the risks of fatigue
2. Ensuring that timely and adequate consultation with relevant workers occurs when developing safe systems of work and implementing control measures to reduce risks of fatigue
3. Provide workers and management with the information, training and instruction that is relevant to the outcomes of the above processes

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

Please contact the inspector whom issued this notice to confirm compliance prior to the day by which the person is required to remedy the contravention or likely contravention.

Confirm receipt of this notice via email to Danielleg.grant@worksafe.act.gov.au

In complying with the directions, refer to the following reference tools:

- WHS Act 2011
- Safe Work Australia Guide for Managing the risk of fatigue at work 2013
- WorkSafe ACT, Consultation, Cooperation and Coordination Code of Practice 2022

Issuing Details

Issued by: Danielle Grant

ID number: 87900326

Date issued: 25/05/2023

Service method: Email

Notice emailed to: daniel.guthrie@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the Work Health and Safety Act 2011 and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the Information Privacy Act 2014. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE EXTENSION

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
Head of Directorate name: Dave Pepper
ABN: 82049056234
ACN:
Trading As: The Canberra Hospital
Address: Yamba Drive, Garran, ACT, 2605

Details of contravention:

Site location: Yamba Drive, GARRAN ACT 2605

I Danielle Grant reasonably believe on 9/02/2023 3:00 PM that you contravened a provision of the Work Health and Safety Act 2011, section 19 - Primary duty of care. Section 19 states- A person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of workers engaged, or caused to be engaged, by the person and workers whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking.

Brief description of how the provision is being or has been contravened:

Information received during workplace visits and within information obtained from the workplace confirmed the workplace has failed to ensure a safe working environment by exposing workers to the risks of burn out and fatigue. The workplace has a fatigue management policy statement (DGD18-007) however it did not provide any practical processes for application within Canberra Health Services different business units. There was no evidence able to be provided that demonstrated how the workplace actively identifies, assesses, and manages fatigue related risk and how the workplace should respond to fatigue related incidents, errors, or behaviours. During workplace visits, workers in the ICU reported significant exhaustion that impacted their work, working double shifts of 19 hours, often going without some of their entitled breaks and not having any appropriate assessment of their fatigue levels before being asked to do overtime and double shifts .

It would be reasonably practicable for the workplace to implement fatigue management processes to reduce the risks of fatigue in a demanding and busy work environment. It would also be reasonably practicable to provide workers and management with the information and training on fatigue risks and related risk management processes to manage fatigue related risk.

The risks of fatigue and burn out are not controlled so far as reasonably practicable, and this leaves workers exposed to the risk of prolonged stress and leading to burn out and fatigue. Experiences of prolonged or significant work-related stress, burnout and fatigue can have a significant impact on workers physical and psychological health and safety and have the potential to result in injury.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure the health and safety of workers, so far as is reasonably practicable by:

1. Implementing safe systems of work for managing the risks of fatigue
2. Ensuring that timely and adequate consultation with relevant workers occurs when developing safe systems of work and implementing control measures to reduce risks of fatigue
3. Provide workers and management with the information, training and instruction that is relevant to the outcomes of the above processes

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

Please contact the inspector whom issued this notice to confirm compliance prior to the day by which the person is required to remedy the contravention or likely contravention.

Confirm receipt of this notice via email to Danielleg.grant@worksafe.act.gov.au

In complying with the directions, refer to the following reference tools:

- WHS Act 2011
- Safe Work Australia Guide for Managing the risk of fatigue at work 2013
- WorkSafe ACT, Consultation, Cooperation and Coordination Code of Practice 2022

Issuing Details

Issued by: Danielle Grant

ID number: 87900326

Date issued: 23/08/2023

Service method: Email

Notice emailed to: daniel.guthrie@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

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Privacy statement

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Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

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WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services

Head of Directorate name: Chief Executive Officer

ABN: 82049056234

ACN:

Trading As: Assertive Community Outreach Service

Address: 56 Lathlain Street, Canberra, ACT, 2617

Due Date: 20 April, 2023

Details of contravention:

Site location: Level 4, 56 Lathlain Street, Belconnen ACT 2617

On Thursday 08 December 2022 at approximately 09:53am, WorkSafe ACT Inspectors Jenny Nguyen, Meaghan O'Connor and Kurt Kuehl attended Assertive Community Outreach Service (Canberra Health Services, ABN: 82 049 056 234) located at Belconnen Community Health Centre, 56 Lathlain Street, Belconnen ACT 2617 for a workplace visit.

Following completion of the workplace visit and in conjunction with information received in response to a section 155 notice, I, Inspector Nguyen formed a reasonable belief that Canberra Health Services has contravened a provision of the Work Health and Safety Act 2011, being section 19. Section 19 states that a person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of workers engaged or caused to be engaged by the person while the workers are at work in the business or undertaking.

Brief description of how the provision is being or has been contravened:

During the workplace visit, the workers spoken with advised that they were not aware of a safe system of work to identify and manage the workplace foreseeable risks and hazards, such as risk register. Inspectors spoke with a worker from the Work Health and Safety team and was advised that a risk register existed at the divisional level only. A review of the risk register received in response to a section 155 notice confirmed that not all reasonably foreseeable hazards have been identified, nor the associated risks assessed and controlled. For example, this document does not identify psychosocial risks and hazards that are commonly associated with public health practice, or other generally physical risks and hazards, such as slips, trips and falls, electrical, and ergonomic. Discussions with workers also confirmed that work-related violence and aggression is a substantial risk with work-related violence incidents occurring daily; however, these are not captured in the current risk register.

The workplace could have identified all reasonably foreseeable physical and psychological hazards in the workplace, assessed the associated risk, and implemented controls to eliminate or minimise that risk.

Failing to maintain safe systems of work or having inadequate safe systems of work to identify and manage reasonably foreseeable hazards (physical and psychosocial) in the workplace can lead to low role clarity, role conflict, and prolong workers' exposure to the risk of a psychologically and physically hazardous environment.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as is reasonably practicable, the health and safety of workers and others by:

1. Develop a safe system of work to identify all reasonably foreseeable hazards, assess the risks (including psychosocial and physical hazards and risks) at Assertive Community Outreach Service and implement controls to manage those risks and hazards.
2. Consult with workers who are likely to be directly affected by the safe system of work when identifying reasonably foreseeable risk and hazards in the workplace and deciding on the controls to manage those risks and hazards.
3. Provide information, training, and instruction to workers on the new safe systems of work.

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

1. Confirm that you are in receipt of this Improvement Notice via email to jennyk.nguyen@worksafe.act.gov.au.
2. Refer to the below links for more information:
Section 19 Work Health and Safety Act 2011.
Model Code of Practice: How to manage work health and safety risks from Safe Work Australia via <https://www.safeworkaustralia.gov.au/doc/model-code-practice-how-manage-work-health-and-safety-risks>.
Code of Practice: Managing psychosocial hazards at work from Safe Work NSW via https://www.safework.nsw.gov.au/__data/assets/pdf_file/0004/983353/Code-of-Practice_Managing-psychosocial-hazards.pdf.
3. Contact the issuing inspector jennyk.nguyen@worksafe.act.gov.au and provide evidence of compliance with the above directions.

Issuing Details

Issued by: Jenny Nguyen
ID number: P56981
Date issued: 21/03/2023

Service method: Email
Notice emailed to: annaliesha.flynn@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

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Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services

Head of Directorate name: Chief Executive Officer

ABN: 82049056234

ACN:

Trading As: Assertive Community Outreach Service

Address: 56 Lathlain Street, Canberra, ACT, 2617

Due Date: 20 April, 2023

Details of contravention:

Site location: Level 4, 56 Lathlain Street, Belconnen ACT 2617

On Thursday 08 December 2022 at approximately 09:53am, WorkSafe ACT Inspectors Jenny Nguyen, Meaghan O'Connor and Kurt Kuehl attended Assertive Community Outreach Service (Canberra Health Services, ABN: 82 049 056 234) located at Belconnen Community Health Centre, 56 Lathlain Street, Belconnen ACT 2617 for a workplace visit.

Following completion of the workplace visit and in conjunction with information received in response to a section 155 notice, I, Inspector Nguyen formed a reasonable belief that Canberra Health Services has contravened a provision of the Work Health and Safety Act 2011, being section 19. Section 19 states that a person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of workers engaged or caused to be engaged by the person while the workers are at work in the business or undertaking.

Brief description of how the provision is being or has been contravened:

During the workplace visit, the workers spoken with advised that they only report significant work-related violence and aggression through the incident recording management system when incidents are significant in nature. Workers also advised that they had experienced inadequate emotional and practical support from their management leading to under reporting of the minor incidents. A review of the workplace occupational violence risk assessment tool received in response to a section 155 notice also confirmed that there was a low number of incidents being reported by workers despite the frequency of work-related violence incidents.

The 'WHSF.06 Reporting Occupational Violence Factsheet' sets out in writing that as a manager if one of your staff members experiences an OV incident you must:

- follow up with the staff member
- review the incident
- put in place control measures
- document this information in Riskman.

However, the evidence provided by the workplace did not demonstrate that the above steps from the 'WHSF.06 Reporting Occupational Violence Factsheet' were followed. Upon request from Inspector Nguyen, the workplace could not provide evidence of an investigation and supportive actions that had been carried out and communicated with workers for the below Riskman incidents:

- Staff Incident ID: 1081990 on 26 November 2021 with priority level 1

- Staff Incident ID: 1094954 on 07 February 2022 with priority level 2
- Staff Incident ID: 1084727 on 13 December 2021 with priority level 3.

The risk of work-related violence and aggression was not controlled so far as reasonably practicable, and, information on control measures or outcomes of investigation were not communicated in a timely manner to the workers involved. This leaves workers exposed to a ongoing risk of work-related violence and aggression and prolonged work-related stress. Experiences of ongoing work-related violence and aggression and prolonged work-related stress can have a significant impact on a worker's psychological health and safety and have the potential to result in psychological injury.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as is reasonably practicable, the health and safety of workers and others by:

1. Review and update (if required) your safe systems of work for managing work-related violence and aggression, to ensure that it is effective and able to be maintained at the workplace.
2. Ensure supervisors/managers are provided with sufficient resources and support to undertake their supervisory duties.
3. Ensure that timely and adequate consultation with relevant workers occurs when following the above safe systems of work and implementing control measures to reduce risks of work-related violence and aggression.
4. Provide workers with the information, training and instruction that is relevant to the outcomes of the above processes and necessary to protect their health and safety in a timely manner.

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

1. Confirm that you are in receipt of this Improvement Notice via email to jennyk.nguyen@worksafe.act.gov.au.
2. Refer to the below information:
 - WHS Act 2011
 - Safe Work Australia Guide, preventing work related violence and aggression 2021, note: section titled "Addressing violence between workers"
 - WorkSafe ACT, Consultation, Cooperation and Coordination Code of Practice 2022.
3. Contact the issuing inspector jennyk.nguyen@worksafe.act.gov.au and provide evidence of compliance with the above directions.

Issuing Details

Issued by: Jenny Nguyen

ID number: P56981

Date issued: 21/03/2023

Service method: Email

Notice emailed to: annaliesha.flynn@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

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Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
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Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

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Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

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You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

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Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

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Email: worksafe@act.gov.au

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Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
 Head of Directorate name: Dave Pepper
 ABN: 82049056234
 ACN:
 Trading As: The Canberra Hospital
 Address: Yamba Drive, Garran, ACT, 2605
 Due Date: 13 November, 2023

Details of contravention:

Site location: Yamba Drive, GARRAN ACT 2605

I Ben Palmer reasonably believe on 19/10/2023 3:00 PM that you are contravening section 19 (3) (a) of the Work Health and Safety Act 2011 (ACT), Canberra Health Services (trading as the Emergence Department) fails to ensure the work environment did not expose workers to a risk of injury (physical and psychological), the hazards of poor risk management and work-related violence and aggression have not been controlled.

Brief description of how the provision is being or has been contravened:

Workers are required to undertake work in the de-escalation area of the workplace that exposes them to work-related violence and aggression. Evidenced through interviews with workers, examination of CCTV footage, workplace incident reports and workplace policies on violence and aggression.

Workers are required to work in the de-escalation area without adequate risk management systems in place to capture all reasonably foreseeable hazards, their associated risks and workplace controls. This is evidenced by the workplaces failure to demonstrate a current and maintained risk assessment specifically for the de-escalation area, interviews with workers, and incident reports involving work-related violence and aggression.

The work environment, through the lack of an adequate area specific risk assessment expose workers to the risk of physical and psychological injury through exposure to multiple hazards (physical and psychosocial), inadequate risk management and work-related violence and aggression. These are reasonably foreseeable hazards that the workplace could have controlled. Psychosocial hazards can be interrelated, with workers being exposed to risk from the presentation of combined hazards.

The workplace has failed to provide adequate protection to control the risks of injury (physical and psychological) as a result of not maintaining adequate safe systems for risk management of reasonably foreseeable hazards that include work-related violence and aggression, when it is practicable to do so.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as reasonably practicable, the health and safety of workers by providing adequate protection against the risk of injury (physical and psychological) through:

- Ensuring a de-escalation area specific risk assessment is conducted, implemented and maintained that captures and mitigates all reasonably foreseeable hazards, including work-related violence and aggression.

- Ensure all workers who work in the de-escalation area are provided with clear and accessible information and training on the developed risk assessment.
- When developing control measures for the above ensure you adhere to the 2011 Work health and Safety Regulations 2011, regulation 35 - Managing risks to health and safety.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider the Work Health and Safety Regulations 2011 (Specifically part 3.1) and the Work Health and Safety (How to Manage Work Health and Safety Risks Code of Practice) Approval 2020.

Please contact the inspector who issued this notice to confirm compliance prior to the day by which the person is required to remedy the contravention or likely contravention.

Issuing Details

Issued by: Ben Palmer

ID number: P12937

Date issued: 20/10/2023

Service method: Email

Notice emailed to: frances.kaye@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the Work Health and Safety Act 2011 and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the Information Privacy Act 2014. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE EXTENSION

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
Head of Directorate name: Dave Pepper
ABN: 82049056234
ACN:
Trading As: The Canberra Hospital
Address: Yamba Drive, Garran, ACT, 2605

Details of contravention:

Site location: Yamba Drive, GARRAN ACT 2605

I Ben Palmer reasonably believe on 19/10/2023 3:00 PM that you are contravening section 19 (3) (a) of the Work Health and Safety Act 2011 (ACT), Canberra Health Services (trading as the Emergency Department) fails to ensure the work environment did not expose workers to a risk of injury (physical and psychological), the hazards of poor risk management and work-related violence and aggression have not been controlled.

Brief description of how the provision is being or has been contravened:

Workers are required to undertake work in the de-escalation area of the workplace that exposes them to work-related violence and aggression. Evidenced through interviews with workers, examination of CCTV footage, workplace incident reports and workplace policies on violence and aggression.

Workers are required to work in the de-escalation area without adequate risk management systems in place to capture all reasonably foreseeable hazards, their associated risks and workplace controls. This is evidenced by the workplaces failure to demonstrate a current and maintained risk assessment specifically for the de-escalation area, interviews with workers, and incident reports involving work-related violence and aggression.

The work environment, through the lack of an adequate area specific risk assessment expose workers to the risk of physical and psychological injury through exposure to multiple hazards (physical and psychosocial), inadequate risk management and work-related violence and aggression. These are reasonably foreseeable hazards that the workplace could have controlled. Psychosocial hazards can be interrelated, with workers being exposed to risk from the presentation of combined hazards.

The workplace has failed to provide adequate protection to control the risks of injury (physical and psychological) as a result of not maintaining adequate safe systems for risk management of reasonably foreseeable hazards that include work-related violence and aggression, when it is practicable to do so.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as reasonably practicable, the health and safety of workers by providing adequate protection against the risk of injury (physical and psychological) through:

- Ensuring a de-escalation area specific risk assessment is conducted, implemented and maintained that captures and mitigates all reasonably foreseeable hazards, including work-related violence and aggression.
- Ensure all workers who work in the de-escalation area are provided with clear and accessible information and training on the developed risk assessment.
- When developing control measures for the above ensure you adhere to the 2011 Work health and Safety Regulations 2011, regulation 35 - Managing risks to health and safety.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider the Work Health and Safety Regulations 2011 (Specifically part 3.1) and the Work Health and Safety (How to Manage Work Health and Safety Risks Code of Practice) Approval 2020.

Please contact the inspector who issued this notice to confirm compliance prior to the day by which the person is required to remedy the contravention or likely contravention.

Issuing Details

Issued by: Ben Palmer

ID number: P12937

Date issued: 29/11/2023

Service method: Email

Notice emailed to: frances.kaye@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
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Contents of Notice

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Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

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Review of this Work Health and Safety Act notice

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You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

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WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

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Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
 Head of Directorate name: Dave Pepper
 ABN: 82049056234
 ACN:
 Trading As: The Canberra Hospital
 Address: Yamba Drive, Garran, ACT, 2605
 Due Date: 13 November, 2023

Details of contravention:

Site location: Yamba Drive, GARRAN ACT 2605

I Ben Palmer reasonably believe on 19/10/2023 3:00 PM that are contravening section 19 (3) (f) of the Work Health and Safety Act 2011 (ACT). Canberra Health Services (trading as the Emergence Department) fail to provide adequate provisions of information and training to ensure workers are not exposed to a risk of significant and prolonged stress, the hazard of low role clarity has not been controlled.

Brief description of how the provision is being or has been contravened:

Workers are required to undertake work within the de-escalation area of the workplace without adequate information and training to protect them from the risks of work-related violence and aggression. Evidenced through interviews with workers, CCTV footage, worker training records, incident reports, workplace occupational violence procedures, in conjunction the workplace failing to demonstrate an adequate safe system for monitoring worker training status.

Without the maintenance of adequate training, workers may be exposed to the risk of significant and prolonged stress as a result of exposure to work-related violence and aggression. Enquiries confirmed that not all workers who work in the de-escalation area met the required occupational violence training levels as set out in workplace policy. Enquiries also confirmed that the workplace could not demonstrate an adequate system for ensuring worker occupational violence training levels could be monitored in an effective and efficient way by the management level for safe staff allocation. Workplace enquiries confirmed a lack of adequately trained workers to ensure sufficient coverage within the de-escalation area, in conjunction with a number of training constraints preventing the consistent maintenance of occupational violence training standards for workers.

The workplace has failed to provide all workers with adequate protection to control the risks of significant and prolonged stress when required to undertake work in the de-escalation area, as a result of not providing or maintaining adequate occupational violence training when reasonably practicable to do so.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as reasonably practicable, the health and safety of workers by providing adequate protection against the risk of significant and prolonged stress through:

- the implementation of a safe system for training that ensures all workers exposed to work-related violence and aggression risks within the de-escalation area have completed all required training.
- implement a safe system that ensure management have effective and efficient access to worker training levels (including occupational violence) when allocating workers to the de-escalation area of the workplace.

- review workers occupational violence training records from the emergency department to ensure that workers meet the required standards of training as set out in workplace occupational violence policy.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider the Work Health and Safety Regulations 2011 (Specifically part 3.1) and the Work Health and Safety (How to Manage Work Health and Safety Risks Code of Practice) Approval 2020.

Issuing Details

Issued by: Ben Palmer

ID number: P12937

Date issued: 20/10/2023

Service method: Email

Notice emailed to: frances.kaye@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

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Display of Notices

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Compliance with direction or notice

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A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

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Review of this Work Health and Safety Act notice

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Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE EXTENSION

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You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
Head of Directorate name: Dave Pepper
ABN: 82049056234
ACN:
Trading As: The Canberra Hospital
Address: Yamba Drive, Garran, ACT, 2605

Details of contravention:

Site location: Yamba Drive, GARRAN ACT 2605

I Ben Palmer reasonably believe on 19/10/2023 3:00 PM that are contravening section 19 (3) (f) of the Work Health and Safety Act 2011 (ACT). Canberra Health Services (trading as the Emergency Department) fail to provide adequate provisions of information and training to ensure workers are not exposed to a risk of significant and prolonged stress, the hazard of low role clarity has not been controlled.

Brief description of how the provision is being or has been contravened:

Workers are required to undertake work within the de-escalation area of the workplace without adequate information and training to protect them from the risks of work-related violence and aggression. Evidenced through interviews with workers, CCTV footage, worker training records, incident reports, workplace occupational violence procedures, in conjunction the workplace failing to demonstrate an adequate safe system for monitoring worker training status.

Without the maintenance of adequate training, workers may be exposed to the risk of significant and prolonged stress as a result of exposure to work-related violence and aggression. Enquiries confirmed that not all workers who work in the de-escalation area met the required occupational violence training levels as set out in workplace policy. Enquiries also confirmed that the workplace could not demonstrate an adequate system for ensuring worker occupational violence training levels could be monitored in an effective and efficient way by the management level for safe staff allocation. Workplace enquiries confirmed a lack of adequately trained workers to ensure sufficient coverage within the de-escalation area, in conjunction with a number of training constraints preventing the consistent maintenance of occupational violence training standards for workers.

The workplace has failed to provide all workers with adequate protection to control the risks of significant and prolonged stress when required to undertake work in the de-escalation area, as a result of not providing or maintaining adequate occupational violence training when reasonably practicable to do so.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as reasonably practicable, the health and safety of workers by providing adequate protection against the risk of significant and prolonged stress through:

- the implementation of a safe system for training that ensures all workers exposed to work-related violence and aggression risks within the de-escalation area have completed all required training.
- implement a safe system that ensure management have effective and efficient access to worker training levels (including occupational violence) when

allocating workers to the de-escalation area of the workplace.

- review workers occupational violence training records from the emergency department to ensure that workers meet the required standards of training as set out in workplace occupational violence policy.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider the Work Health and Safety Regulations 2011 (Specifically part 3.1) and the Work Health and Safety (How to Manage Work Health and Safety Risks Code of Practice) Approval 2020.

Issuing Details

Issued by: Ben Palmer

ID number: P12937

Date issued: 29/11/2023

Service method: Email

Notice emailed to: frances.kaye@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

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Review of this Work Health and Safety Act notice

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Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

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You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

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Translating and Interpreting Service

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IMPROVEMENT NOTICE

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
 Head of Directorate name: Dave Pepper
 ABN: 82049056234
 ACN:
 Trading As: The Canberra Hospital
 Address: Yamba Drive, Garran, ACT, 2605
 Due Date: 13 November, 2023

Details of contravention:

Site location: Yamba Drive, GARRAN ACT 2605

I Ben Palmer reasonably believe on 19/10/2023 3:00 PM that are contravening section 19 (3) (f) of the Work Health and Safety Act 2011 (ACT), that Canberra Health Services (trading as the Emergence Department) is failing to provide adequate provisions of information and training to ensure workers are not exposed to a risk of significant stress, the hazard of low role clarity has not been controlled..

Brief description of how the provision is being or has been contravened:

Workers are required to undertake work within the de-escalation area of the workplace without adequate information and training regarding item control within the area. Evidenced through interviews with workers, CCTV footage, incident reports and a failure to demonstrate clear procedures for item control.

Workers may be exposed to the risk of physical and psychological injury through the hazard of low role clarity, where it was confirmed worker uncertainty of workplace procedures exists for managing the control of items within the de-escalation area. CCTV and interviews with workers confirm items in the area that deviate from workplace safe practices. Without adequate controls workers are exposed to risks of significant stress through injury (physical and psychological) from uncontrolled items. The workplace was unable to demonstrate adequate procedures, or information and training in place to ensure items are controlled within the de-escalation area to mitigate the risks to workers and others.

The workplace has failed to provide workers with adequate protection to control the risks of significant stress, as a result of not providing or maintaining the provisions of information and training to inform workers of work-related procedures relating to item control within the de-escalation area when it was reasonably practicable to do so.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as reasonably practicable, the health and safety of workers by providing adequate protection against the risk of significant stress through:

- Implementing a clear procedure to ensure the safe control of items within the de-escalation area is maintained.
- Ensuring workers are provided with clear and concise information and training on safe item control within the de-escalation area.
- The workplace is to ensure that all workers who undertake work within the de-escalation area are inducted to the new information, training and procedures.

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider:

The Work Health and Safety Regulations 2011.

<https://www.legislation.act.gov.au/View/sl/2011-36/current/html/2011-36.html>

and

Work Health and Safety (How to Manage Work Health and Safety Risks) Code of Practice (ACT)

<https://legislation.act.gov.au/ni/2020-547/>

Please contact the inspector who issued this notice to confirm compliance prior to the day by which the person is required to remedy the contravention or likely contravention.

Issuing Details

Issued by: Ben Palmer

ID number: P12937

Date issued: 20/10/2023

Service method: Email

Notice emailed to: frances.kaye@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the Work Health and Safety Act 2011 and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the Information Privacy Act 2014. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE EXTENSION

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
Head of Directorate name: Dave Pepper
ABN: 82049056234
ACN:
Trading As: The Canberra Hospital
Address: Yamba Drive, Garran, ACT, 2605

Details of contravention:

Site location: Yamba Drive, GARRAN ACT 2605

I Ben Palmer reasonably believe on 19/10/2023 3:00 PM that are contravening section 19 (3) (f) of the Work Health and Safety Act 2011 (ACT), that Canberra Health Services (trading as the Emergency Department) is failing to provide adequate provisions of information and training to ensure workers are not exposed to a risk of significant stress, the hazard of low role clarity has not been controlled..

Brief description of how the provision is being or has been contravened:

Workers are required to undertake work within the de-escalation area of the workplace without adequate information and training regarding item control within the area. Evidenced through interviews with workers, CCTV footage, incident reports and a failure to demonstrate clear procedures for item control.

Workers may be exposed to the risk of physical and psychological injury through the hazard of low role clarity, where it was confirmed worker uncertainty of workplace procedures exists for managing the control of items within the de-escalation area. CCTV and interviews with workers confirm items in the area that deviate from workplace safe practices. Without adequate controls workers are exposed to risks of significant stress through injury (physical and psychological) from uncontrolled items. The workplace was unable to demonstrate adequate procedures, or information and training in place to ensure items are controlled within the de-escalation area to mitigate the risks to workers and others.

The workplace has failed to provide workers with adequate protection to control the risks of significant stress, as a result of not providing or maintaining the provisions of information and training to inform workers of work-related procedures relating to item control within the de-escalation area when it was reasonably practicable to do so.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as reasonably practicable, the health and safety of workers by providing adequate protection against the risk of significant stress through:

- Implementing a clear procedure to ensure the safe control of items within the de-escalation area is maintained.
- Ensuring workers are provided with clear and concise information and training on safe item control within the de-escalation area.
- The workplace is to ensure that all workers who undertake work within the de-escalation area are inducted to the new information, training and procedures.

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider:

The Work Health and Safety Regulations 2011.

<https://www.legislation.act.gov.au/View/sl/2011-36/current/html/2011-36.html>

and

Work Health and Safety (How to Manage Work Health and Safety Risks) Code of Practice (ACT)

<https://legislation.act.gov.au/ni/2020-547/>

Please contact the inspector who issued this notice to confirm compliance prior to the day by which the person is required to remedy the contravention or likely contravention.

Issuing Details

Issued by: Ben Palmer

ID number: P12937

Date issued: 29/11/2023

Service method: Email

Notice emailed to: frances.kaye@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

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Privacy statement

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Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

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The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE EXTENSION

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
Head of Directorate name: Dave Pepper
ABN: 82049056234
ACN:
Trading As: The Canberra Hospital
Address: Yamba Drive, Garran, ACT, 2605

Details of contravention:

Site location: Yamba Drive, GARRAN ACT 2605

I Ben Palmer reasonably believe on 19/10/2023 3:00 PM that are contravening section 19 (3) (f) of the Work Health and Safety Act 2011 (ACT), that Canberra Health Services (trading as the Emergency Department) is failing to provide adequate provisions of information and training to ensure workers are not exposed to a risk of significant stress, the hazard of low role clarity has not been controlled..

Brief description of how the provision is being or has been contravened:

Workers are required to undertake work within the de-escalation area of the workplace without adequate information and training regarding item control within the area. Evidenced through interviews with workers, CCTV footage, incident reports and a failure to demonstrate clear procedures for item control.

Workers may be exposed to the risk of physical and psychological injury through the hazard of low role clarity, where it was confirmed worker uncertainty of workplace procedures exists for managing the control of items within the de-escalation area. CCTV and interviews with workers confirm items in the area that deviate from workplace safe practices. Without adequate controls workers are exposed to risks of significant stress through injury (physical and psychological) from uncontrolled items. The workplace was unable to demonstrate adequate procedures, or information and training in place to ensure items are controlled within the de-escalation area to mitigate the risks to workers and others.

The workplace has failed to provide workers with adequate protection to control the risks of significant stress, as a result of not providing or maintaining the provisions of information and training to inform workers of work-related procedures relating to item control within the de-escalation area when it was reasonably practicable to do so.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as reasonably practicable, the health and safety of workers by providing adequate protection against the risk of significant stress through:

- Implementing a clear procedure to ensure the safe control of items within the de-escalation area is maintained.
- Ensuring workers are provided with clear and concise information and training on safe item control within the de-escalation area.
- The workplace is to ensure that all workers who undertake work within the de-escalation area are inducted to the new information, training and procedures.

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Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider:

The Work Health and Safety Regulations 2011.

<https://www.legislation.act.gov.au/View/sl/2011-36/current/html/2011-36.html>

and

Work Health and Safety (How to Manage Work Health and Safety Risks) Code of Practice (ACT)

<https://legislation.act.gov.au/ni/2020-547/>

Please contact the inspector who issued this notice to confirm compliance prior to the day by which the person is required to remedy the contravention or likely contravention.

Issuing Details

Issued by: Ben Palmer

ID number: P12937

Date issued: 15/12/2023

Service method: Email

Notice emailed to: frances.kaye@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

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Compliance with direction or notice

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Maximum penalty:

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Review of this Work Health and Safety Act notice

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You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

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WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services

ABN: 82049056234

ACN:

Trading As: Clare Holland House

Address: , , ,

Due Date: 19 April, 2024

Details of contravention:

Site location: 5 Menindee Dr, Barton ACT 2600

I, Dina YULIA, reasonably believe on Thursday, 07 March 2024 at 09:00 am that Canberra Health Services has contravened a provision of the Work Health and Safety Act 2011 (ACT), section 19. You have failed to ensure so far as is reasonably practicable, the provision and maintenance of a work environment without risks to health and safety. Workers are exposed to a risk of physical and psychological injury from uncontrolled psychosocial hazards.

Brief description of how the provision is being or has been contravened:

Workers are required to carry out work as part of the conduct of the business or undertaking, that exposes them to a risk of harm from uncontrolled psychosocial hazards. The inspector confirmed that workers are required to carry out a variety of health care service activities that involve direct one-on-one interactions with patients, including specialised care tasks.

Evidenced through inquiries at the workplace and with the person conducting business or undertaking, whereby at the time of the workplace visit when asked about their risk management, the workplace failed to demonstrate evidence of having:

1. Identified all reasonably foreseeable psychosocial hazards in the workplace, including through adequate consultation with workers.
2. Assessed the risks associated with all identified psychosocial hazards.
3. Adequate measures to eliminate the psychosocial risk so far as is reasonably practicable. Where it was not reasonably practicable to eliminate the risk, minimised those risks so far as is reasonably practicable by implementing risk control measures in line with the Hierarchy of Control Measures.
4. Reviewed and as necessary revised any control measures implemented.

Inspector YULIA confirmed that the workplace had not completed a systematic review of its reasonably foreseeable psychosocial hazards, with only two psychosocial hazards being outlined in the workplace risk register. These outlined hazards were in relation to exposure to 'bullying and harassment' and 'traumatic events and materials' (the provision of end-of-life services).

Through enquiries at the workplace, it was confirmed that additional psychosocial hazards, including job demands, poor support, and lack of role clarity had been identifiable to the workplace in a workplace survey completed by workers, and in the workplace incident register.

A review of the workplace survey confirmed that workers had raised the hazard 'job demands' in relation to increased workload pressure emanating from staff shortages.

A review of the incident register confirmed that workers had raised the hazard 'poor support' and 'lack of role clarity' in relation to inadequate skills mix

during a PM shift emanating from senior staff shortages.

The psychosocial hazards confirmed have not been controlled utilising minimum standard risk management methods as set out in the Managing Psychosocial Hazards at Work Code of Practice 2023 (ACT) to ensure, so far as is reasonably practicable, the provision and maintenance of a work environment without risks to health and safety.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as is reasonably practicable, the health and safety of workers by providing an adequate safe system of work for risk management that:

1. Identifies all reasonably foreseeable psychosocial hazards in line with Part 3.2 of the Managing Psychosocial Hazards at Work Code of Practice 2023.
2. Assesses the psychosocial risk to determine the likelihood and degree of harm for each risk in line with Part 4 of the Psychosocial Hazards at Work Code of Practice 2023.
3. Eliminated or minimised the risk so far as is reasonably practicable, in line with Part 3.1, section 55C and section 55D of the Work Health and Safety Regulation 2011, and Part 5 of the Psychosocial Hazards at Work Code of Practice 2023.
4. Ensure that the workplace can demonstrate evidence of the risk management process.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider:

- The Work Health and Safety Act 2011

Work Health and Safety Act 2011 | [HTML view](#) (particularly Section 18, Section 19, Section 30, Section 47)

- The Work Health and Safety Regulation 2011

Work Health and Safety Regulation 2011 | [HTML view](#) ([act.gov.au](#)) (particularly Section 32-38, Section 55A-D)

- The Managing Psychosocial Hazards at Work Code of Practice

Work Health and Safety (Managing Psychosocial Hazards at Work Code of Practice) Approval 2023 | [HTML view](#) (particularly Part 2-7)

- Contact the inspector when you have complied with the above directions and seek clarification with the inspector if required prior to the compliance date.

Issuing Details

Issued by: Dina Yulia

ID number: P56981

Date issued: 25/03/2024

Service method: Email

Notice emailed to: angela.devlin@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 – further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Extension of time for compliance with improvement notices

If a person has been issued with an improvement notice, they may contact the inspector who issued this notice, or email worksafe@act.gov.au to apply for an extension of time to comply with that notice. This must be done within the compliance period which ends at midnight on the due date stated in the notice.

An inspector may, by written notice given to the person, extend the compliance period for the improvement notice. However, the inspector may extend the compliance period only if the period has not ended.

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

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Review of this *Work Health and Safety Act* notice

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Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

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Email: worksafe@act.gov.au

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Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE EXTENSION

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You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
ABN: 82049056234
ACN:
Trading As: Clare Holland House
Address: , , ,

Details of contravention:

Site location: 5 Menindee Dr, Barton ACT 2600

I, Dina YULIA, reasonably believe on Thursday, 07 March 2024 at 09:00 am that Canberra Health Services has contravened a provision of the Work Health and Safety Act 2011 (ACT), section 19. You have failed to ensure so far as is reasonably practicable, the provision and maintenance of a work environment without risks to health and safety. Workers are exposed to a risk of physical and psychological injury from uncontrolled psychosocial hazards.

Brief description of how the provision is being or has been contravened:

Workers are required to carry out work as part of the conduct of the business or undertaking, that exposes them to a risk of harm from uncontrolled psychosocial hazards. The inspector confirmed that workers are required to carry out a variety of health care service activities that involve direct one-on-one interactions with patients, including specialised care tasks.

Evidenced through inquiries at the workplace and with the person conducting business or undertaking, whereby at the time of the workplace visit when asked about their risk management, the workplace failed to demonstrate evidence of having:

1. Identified all reasonably foreseeable psychosocial hazards in the workplace, including through adequate consultation with workers.
2. Assessed the risks associated with all identified psychosocial hazards.
3. Adequate measures to eliminate the psychosocial risk so far as is reasonably practicable. Where it was not reasonably practicable to eliminate the risk, minimised those risks so far as is reasonably practicable by implementing risk control measures in line with the Hierarchy of Control Measures.
4. Reviewed and as necessary revised any control measures implemented.

Inspector YULIA confirmed that the workplace had not completed a systematic review of its reasonably foreseeable psychosocial hazards, with only two psychosocial hazards being outlined in the workplace risk register. These outlined hazards were in relation to exposure to 'bullying and harassment' and 'traumatic events and materials' (the provision of end-of-life services).

Through enquiries at the workplace, it was confirmed that additional psychosocial hazards, including job demands, poor support, and lack of role clarity had been identifiable to the workplace in a workplace survey completed by workers, and in the workplace incident register.

A review of the workplace survey confirmed that workers had raised the hazard 'job demands' in relation to increased workload pressure emanating from staff shortages.

A review of the incident register confirmed that workers had raised the hazard 'poor support' and 'lack of role clarity' in relation to inadequate skills mix during a PM shift emanating from senior staff shortages.

The psychosocial hazards confirmed have not been controlled utilising minimum standard risk management methods as set out in the Managing Psychosocial Hazards at Work Code of Practice 2023 (ACT) to ensure, so far as is reasonably practicable, the provision and maintenance of a work environment without risks to health and safety.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as is reasonably practicable, the health and safety of workers by providing an adequate safe system of work for risk management that:

1. Identifies all reasonably foreseeable psychosocial hazards in line with Part 3.2 of the Managing Psychosocial Hazards at Work Code of Practice 2023.
2. Assesses the psychosocial risk to determine the likelihood and degree of harm for each risk in line with Part 4 of the Psychosocial Hazards at Work Code of Practice 2023.
3. Eliminated or minimised the risk so far as is reasonably practicable, in line with Part 3.1, section 55C and section 55D of the Work Health and Safety Regulation 2011, and Part 5 of the Psychosocial Hazards at Work Code of Practice 2023.
4. Ensure that the workplace can demonstrate evidence of the risk management process.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider:

- The Work Health and Safety Act 2011

Work Health and Safety Act 2011 | [HTML view](#) (particularly Section 18, Section 19, Section 30, Section 47)

- The Work Health and Safety Regulation 2011

Work Health and Safety Regulation 2011 | [HTML view](#) ([act.gov.au](#)) (particularly Section 32-38, Section 55A-D)

- The Managing Psychosocial Hazards at Work Code of Practice

Work Health and Safety (Managing Psychosocial Hazards at Work Code of Practice) Approval 2023 | [HTML view](#) (particularly Part 2-7)

- Contact the inspector when you have complied with the above directions and seek clarification with the inspector if required prior to the compliance date.

Issuing Details

Issued by: Dina Yulia

ID number: P56981

Date issued: 15/04/2024

Service method: Email

Notice emailed to: angela.devlin@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the Work Health and Safety Act 2011 and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the Information Privacy Act 2014. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

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The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
Head of Directorate name: Dave Pepper
ABN: 82049056234
ACN:
Trading As: North Canberra Hospital
Address: 5 Mary Potter Circuit, Bruce, ACT, 2617
Due Date: 5 July, 2024

Details of contravention:

Site location: 5 Mary Potter Circuit, Bruce ACT 2617

I Jagdeep Chhina reasonably believe on 4/06/2024 12:00 PM that you contravened section 19 (3) (c) of the Work Health and Safety Act 2011 (ACT). You failed to display radiation warning signs on the entry doors of operation theatre room numbers 1 to 4 when it was reasonably practicable to do so, exposing workers and others to the hazard associated with the mobile X- Ray equipment, the provision of safe system of work was not maintained exposing workers and others to a risk to their health and safety.

Brief description of how the provision is being or has been contravened:

Persons may be exposed to a risk to their health and safety due to not displaying radiation warning signs on each entry door leading into the operation theatre rooms to warn workers and other persons of the radiation hazards associated with the mobile X- Ray equipment used in the operation theatre rooms 1 to 4. The Person in Control of Business or Undertaking (PCBU) has failed to display radiation warning signs in accordance with Radiation Management Plan (Section 12- Radiation Warning Signs) of North Canberra Hospital as a result of not maintaining a safe system of work by providing radiation warning signs displayed when it is reasonably practicable to do so.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as reasonably practicable that you display radiation warning signs on each entry door of operation theatre rooms 1 to 4, where radiation hazard associated with the use of equipment to control the risk of radiation exposure.

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

Please contact the inspector who issued this notice to confirm compliance prior to the day by which the person is required to remedy the contravention or likely contravention.

Issuing Details

Issued by: Jagdeep Chhina
ID number: P53944
Date issued: 21/06/2024

Service method: Email

Notice emailed to: akhil.raj@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Extension of time for compliance with improvement notices

If a person has been issued with an improvement notice, they may contact the inspector who issued this notice, or email worksafe@act.gov.au to apply for an extension of time to comply with that notice. This must be done within the compliance period which ends at midnight on the due date stated in the notice. An inspector may, by written notice given to the person, extend the compliance period for the improvement notice. However, the inspector may extend the compliance period only if the period has not ended.

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

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Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

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WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE EXTENSION

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
Head of Directorate name: Dave Pepper
ABN: 82049056234
ACN:
Trading As: North Canberra Hospital
Address: 5 Mary Potter Circuit, Bruce, ACT, 2617

Details of contravention:

Site location: 5 Mary Potter Circuit, Bruce ACT 2617

I Jagdeep Chhina reasonably believe on 4/06/2024 12:00 PM that you contravened section 19 (3) (c) of the Work Health and Safety Act 2011 (ACT). You failed to display radiation warning signs on the entry doors of operation theatre room numbers 1 to 4 when it was reasonably practicable to do so, exposing workers and others to the hazard associated with the mobile X- Ray equipment, the provision of safe system of work was not maintained exposing workers and others to a risk to their health and safety.

Brief description of how the provision is being or has been contravened:

Persons may be exposed to a risk to their health and safety due to not displaying radiation warning signs on each entry door leading into the operation theatre rooms to warn workers and other persons of the radiation hazards associated with the mobile X- Ray equipment used in the operation theatre rooms 1 to 4. The Person in Control of Business or Undertaking (PCBU) has failed to display radiation warning signs in accordance with Radiation Management Plan (Section 12- Radiation Warning Signs) of North Canberra Hospital as a result of not maintaining a safe system of work by providing radiation warning signs displayed when it is reasonably practicable to do so.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as reasonably practicable that you display radiation warning signs on each entry door of operation theatre rooms 1 to 4, where radiation hazard associated with the use of equipment to control the risk of radiation exposure.

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

Please contact the inspector who issued this notice to confirm compliance prior to the day by which the person is required to remedy the contravention or likely contravention.

Issuing Details

Issued by: Jagdeep Chhina
ID number: P53944
Date issued: 03/07/2024

Service method: Email
Notice emailed to: akhil.raj@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

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Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

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Review of this Work Health and Safety Act notice

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A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

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Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services

Head of Directorate name: Dave Pepper

ABN: 82049056234

ACN:

Trading As: The Canberra Hospital

Address: Yamba Drive, Garran, ACT, 2605

Due Date: 26 July, 2024

Details of contravention:

Site location: 20 Guraguma Street, Bruce ACT 2617

I, Shani Skorich, reasonably believe on 26 June 2024 at 2:00 PM that Canberra Health Services is contravening a provision of the Work Health and Safety Act, section 19 (3) (c). You have failed to ensure so far as is reasonably practicable, the provision and maintenance of a safe system of work for psychosocial risk management, exposing workers to the risk of physical and psychological injury where psychosocial hazards have not been adequately controlled.

Brief description of how the provision is being or has been contravened:

Workers are required to undertake work that exposes them to a risk of harm (physical and psychological) from uncontrolled psychosocial hazards. This is evidenced through inquiries with the workplace, whereby, the workplace was unable to demonstrate evidence of having an adequate safe system of work for psychosocial risk management.

The Inspector identified:

(1) The workplace has a current system of work for work health and safety risk management, namely a risk register, that does not adequately demonstrate the risk management of psychosocial risks because it fails to identify all reasonably foreseeable and known psychosocial hazards and risks at the workplace.

Whilst the risk register captures risks to consumers and visitors at the workplace, it fails to adequately capture risks to workers at the workplace.

(2) The workplace utilises a document consisting of a guide to implementing and maintaining work health and safety risk registers. The document includes reference to examples of 'psychosocial risks' including but not limited to psychosocial hazards such as 'job demands', 'poor physical environment' and 'lack of role clarity'. Despite the document providing guidance on psychosocial risks, the workplace has failed to implement and maintain a risk register that adequately identifies and demonstrate the risk management of psychosocial hazards and risks.

(3) At the time of the workplace visit, representatives of the workplace advised Inspector Skorich that the workplace experiences incidents of harmful behaviour from consumers to workers. Despite the workplace having awareness of this, the risk register has failed to identify and demonstrate the risk management of the hazards and risks associated with the harmful behaviour.

(4) As evidenced by incident and hazard reports from the workplace, the workplace experiences harmful behaviour relating to psychosocial hazards and risks. Notably, the Inspector's review of the reports revealed current psychosocial hazards at the workplace including but not limited to 'bullying and harassment' and 'violence and aggression'. The psychosocial hazards confirmed have not been adequately captured in the risk register.

The workplace has failed to provide an adequate safe system for risk management when it was reasonably practicable to do so. The psychosocial hazards confirmed have not been adequately controlled.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as reasonably practicable, the health and safety workers by:

- (1) Providing and maintaining an adequate safe system of work for risk management that controls reasonably foreseeable and known psychosocial hazards and risks at the workplace.
- (2) Undertaking consultation with relevant workers while providing and maintaining the safe system of work for risk management.
- (3) Inducting relevant workers into the new safe system of work for risk management.
- (4) Being able to demonstrate evidence of points (1), (2) and (3).
- (5) Displaying a copy of the notice in a prominent location at the workplace.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider:

- (1) Confirming you are in receipt of this notice by emailing Shani.Skorich@worksafe.act.gov.au
- (2) Emailing Shani.Skorich@worksafe.act.gov.au to provide evidence of compliance with the notice
- (3) The Work Health and Safety Act 2011 (<https://www.legislation.act.gov.au/View/a/2011-35/current/html/2011-35.html>)
- (4) The Work Health and Safety Regulation 2011 (<https://www.legislation.act.gov.au/View/sl/2011-36/current/html/2011-36.html>)
- (5) The Managing Psychosocial Hazards at Work Code of Practice (<https://www.legislation.act.gov.au/View/ni/2023-482/current/html/2023-482.html>)

Issuing Details

Issued by: Shani Skorich

ID number: P52634

Date issued: 02/07/2024

Service method: Email

Notice emailed to: shaun.bayliss@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

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Directions and recommendations

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IMPROVEMENT NOTICE EXTENSION

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You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
Head of Directorate name: Dave Pepper
ABN: 82049056234
ACN:
Trading As: The Canberra Hospital
Address: Yamba Drive, Garran, ACT, 2605

Details of contravention:

Site location: 20 Guraguma Street, Bruce ACT 2617

I, Shani Skorich, reasonably believe on 26 June 2024 at 2:00 PM that Canberra Health Services is contravening a provision of the Work Health and Safety Act, section 19 (3) (c). You have failed to ensure so far as is reasonably practicable, the provision and maintenance of a safe system of work for psychosocial risk management, exposing workers to the risk of physical and psychological injury where psychosocial hazards have not been adequately controlled.

Brief description of how the provision is being or has been contravened:

Workers are required to undertake work that exposes them to a risk of harm (physical and psychological) from uncontrolled psychosocial hazards. This is evidenced through inquiries with the workplace, whereby, the workplace was unable to demonstrate evidence of having an adequate safe system of work for psychosocial risk management.

The Inspector identified:

- (1) The workplace has a current system of work for work health and safety risk management, namely a risk register, that does not adequately demonstrate the risk management of psychosocial risks because it fails to identify all reasonably foreseeable and known psychosocial hazards and risks at the workplace. Whilst the risk register captures risks to consumers and visitors at the workplace, it fails to adequately capture risks to workers at the workplace.
- (2) The workplace utilises a document consisting of a guide to implementing and maintaining work health and safety risk registers. The document includes reference to examples of 'psychosocial risks' including but not limited to psychosocial hazards such as 'job demands', 'poor physical environment' and 'lack of role clarity'. Despite the document providing guidance on psychosocial risks, the workplace has failed to implement and maintain a risk register that adequately identifies and demonstrate the risk management of psychosocial hazards and risks.
- (3) At the time of the workplace visit, representatives of the workplace advised Inspector Skorich that the workplace experiences incidents of harmful behaviour from consumers to workers. Despite the workplace having awareness of this, the risk register has failed to identify and demonstrate the risk management of the hazards and risks associated with the harmful behaviour.
- (4) As evidenced by incident and hazard reports from the workplace, the workplace experiences harmful behaviour relating to psychosocial hazards and risks. Notably, the Inspector's review of the reports revealed current psychosocial hazards at the workplace including but not limited to 'bullying and harassment' and 'violence and aggression'. The psychosocial hazards confirmed have not been adequately captured in the risk register.

The workplace has failed to provide an adequate safe system for risk management when it was reasonably practicable to do so. The psychosocial hazards confirmed have not been adequately controlled.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: (it is mandatory to comply with these directions)

You must ensure, so far as reasonably practicable, the health and safety workers by:

- (1) Providing and maintaining an adequate safe system of work for risk management that controls reasonably foreseeable and known psychosocial hazards and risks at the workplace.
- (2) Undertaking consultation with relevant workers while providing and maintaining the safe system of work for risk management.
- (3) Inducting relevant workers into the new safe system of work for risk management.
- (4) Being able to demonstrate evidence of points (1), (2) and (3).
- (5) Displaying a copy of the notice in a prominent location at the workplace.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider:

- (1) Confirming you are in receipt of this notice by emailing Shani.Skorich@worksafe.act.gov.au
- (2) Emailing Shani.Skorich@worksafe.act.gov.au to provide evidence of compliance with the notice
- (3) The Work Health and Safety Act 2011 (<https://www.legislation.act.gov.au/View/a/2011-35/current/html/2011-35.html>)
- (4) The Work Health and Safety Regulation 2011 (<https://www.legislation.act.gov.au/View/sl/2011-36/current/html/2011-36.html>)
- (5) The Managing Psychosocial Hazards at Work Code of Practice (<https://www.legislation.act.gov.au/View/ni/2023-482/current/html/2023-482.html>)

Issuing Details

Issued by: Shani Skorich

ID number: P52634

Date issued: 16/07/2024

Service method: Email

Notice emailed to: shaun.bayliss@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

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Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

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WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
 Head of Directorate name: Dave Pepper
 ABN: 82049056234
 ACN:
 Trading As: The Canberra Hospital
 Address: Yamba Drive, Garran, ACT, 2605
 Due Date: 26 July, 2024

Details of contravention:

Site location: 20 Guraguma Street, Bruce ACT 2617

I, Shani Skorich, reasonably believe on 26 June 2024 at 2:00 PM that Canberra Health Services is contravening a provision of the Work Health and Safety Act, section 19 (3) (c). You have failed to ensure so far as is reasonably practicable, the provision and maintenance of a safe system of work for verifying the successful completion of compulsory work health and safety-related training at the workplace, exposing workers to the risk of physical and psychological injury where the hazard of lack of role clarity has not been adequately controlled.

Brief description of how the provision is being or has been contravened:

Workers are required to undertake work that exposes them to a risk of harm (physical and psychological) from the uncontrolled hazard of lack of role clarity. This is evidenced through inquiries with the workplace, whereby, the workplace was unable to demonstrate evidence of having adequately provided and maintained a safe system of work for verifying the successful completion of compulsory work health and safety-related training at the workplace.

The Inspector identified:

- (1) Through review of staff training records, numerous mandatory staff training modules related to work health and safety had not been completed.
- (2) Further to the above point (1), incomplete mandatory staff training modules were, including but not limited to, modules related to managing the risks of occupational violence at the workplace. As revealed through inquiries at the workplace and the Inspector's review of staff training records, workers who were not verified as having completed this training were including workers who are in roles involving direct and one-on-one interaction with consumers at the workplace. Further, this is including workers with position descriptions that describe the working environment as involving frequent 'psychosocial demands' such as distressed, aggressive and unpredictable persons. Further, Inspector Skorich's inquiries revealed that the workplace did not comply with its 'Occupational Violence Procedure' as evidenced by workers found to not have completed all three tiers of face-to-face training in occupational violence despite the training being stated as a requirement for their role.
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The workplace has failed to provide and maintain an adequate safe system of work for verifying the successful completion of compulsory work health and safety-related training at the workplace when it was reasonably practicable to do so. The psychosocial hazard of lack of role clarity has not been controlled.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as reasonably practicable, the health and safety workers by:

- (1) Providing and maintaining a safe system of work that verifies workers have successfully completed compulsory work health and safety-related training.
- (2) Being able to demonstrate evidence of the above point (1).
- (3) Displaying a copy of the notice in a prominent location at the workplace.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider:

- (1) Confirming you are in receipt of this notice by emailing Shani.Skorich@worksafe.act.gov.au
- (2) Emailing Shani.Skorich@worksafe.act.gov.au to provide evidence of compliance with the notice
- (3) The Work Health and Safety Act 2011 (<https://www.legislation.act.gov.au/View/a/2011-35/current/html/2011-35.html>)
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Issuing Details

Issued by: Shani Skorich

ID number: P52634

Date issued: 02/07/2024

Service method: Email

Notice emailed to: shaun.bayliss@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

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Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
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Extension of time for compliance with improvement notices

If a person has been issued with an improvement notice, they may contact the inspector who issued this notice, or email worksafe@act.gov.au to apply for an extension of time to comply with that notice. This must be done within the compliance period which ends at midnight on the due date stated in the notice. An inspector may, by written notice given to the person, extend the compliance period for the improvement notice. However, the inspector may extend the compliance period only if the period has not ended.

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

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Review of this Work Health and Safety Act notice

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You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

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Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

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IMPROVEMENT NOTICE EXTENSION

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You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
Head of Directorate name: Dave Pepper
ABN: 82049056234
ACN:
Trading As: The Canberra Hospital
Address: Yamba Drive, Garran, ACT, 2605

Details of contravention:

Site location: 20 Guraguma Street, Bruce ACT 2617

I, Shani Skorich, reasonably believe on 26 June 2024 at 2:00 PM that Canberra Health Services is contravening a provision of the Work Health and Safety Act, section 19 (3) (c). You have failed to ensure so far as is reasonably practicable, the provision and maintenance of a safe system of work for verifying the successful completion of compulsory work health and safety-related training at the workplace, exposing workers to the risk of physical and psychological injury where the hazard of lack of role clarity has not been adequately controlled.

Brief description of how the provision is being or has been contravened:

Workers are required to undertake work that exposes them to a risk of harm (physical and psychological) from the uncontrolled hazard of lack of role clarity. This is evidenced through inquiries with the workplace, whereby, the workplace was unable to demonstrate evidence of having adequately provided and maintained a safe system of work for verifying the successful completion of compulsory work health and safety-related training at the workplace.

The Inspector identified:

- (1) Through review of staff training records, numerous mandatory staff training modules related to work health and safety had not been completed.
- (2) Further to the above point (1), incomplete mandatory staff training modules were, including but not limited to, modules related to managing the risks of occupational violence at the workplace. As revealed through inquiries at the workplace and the Inspector's review of staff training records, workers who were not verified as having completed this training were including workers who are in roles involving direct and one-on-one interaction with consumers at the workplace. Further, this is including workers with position descriptions that describe the working environment as involving frequent 'psychosocial demands' such as distressed, aggressive and unpredictable persons. Further, Inspector Skorich's inquiries revealed that the workplace did not comply with its 'Occupational Violence Procedure' as evidenced by workers found to not have completed all three tiers of face-to-face training in occupational violence despite the training being stated as a requirement for their role.
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The workplace has failed to provide and maintain an adequate safe system of work for verifying the successful completion of compulsory work health and safety-related training at the workplace when it was reasonably practicable to do so. The psychosocial hazard of lack of role clarity has not been controlled.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as reasonably practicable, the health and safety workers by:

- (1) Providing and maintaining a safe system of work that verifies workers have successfully completed compulsory work health and safety-related training.
- (2) Being able to demonstrate evidence of the above point (1).
- (3) Displaying a copy of the notice in a prominent location at the workplace.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider:

- (1) Confirming you are in receipt of this notice by emailing Shani.Skorich@worksafe.act.gov.au
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Issuing Details

Issued by: Shani Skorich

ID number: P52634

Date issued: 16/07/2024

Service method: Email

Notice emailed to: shaun.bayliss@act.gov.au

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Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
Head of Directorate name: Dave Pepper
ABN: 82049056234
ACN:
Trading As: The Canberra Hospital
Address: Yamba Drive, Garran, ACT, 2605

Details of contravention:

Site location: 20 Guraguma Street, Bruce ACT 2617

I, Shani Skorich, reasonably believe on 26 June 2024 at 2:00 PM that Canberra Health Services is contravening a provision of the Work Health and Safety Act, section 19 (3) (c). You have failed to ensure so far as is reasonably practicable, the provision and maintenance of a safe system of work for verifying the successful completion of compulsory work health and safety-related training at the workplace, exposing workers to the risk of physical and psychological injury where the hazard of lack of role clarity has not been adequately controlled.

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The Inspector identified:

- (1) Through review of staff training records, numerous mandatory staff training modules related to work health and safety had not been completed.
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- (3) Displaying a copy of the notice in a prominent location at the workplace.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider:

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Issuing Details

Issued by: Shani Skorich

ID number: P52634

Date issued: 16/08/2024

Service method: Email

Notice emailed to: shaun.bayliss@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

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Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
 Head of Directorate name: Dave Pepper
 ABN: 82049056234
 ACN:
 Trading As: The Canberra Hospital
 Address: Yamba Drive, Garran, ACT, 2605
 Due Date: 26 July, 2024

Details of contravention:

Site location: 20 Guraguma Street, Bruce ACT 2617

I, Shani Skorich, reasonably believe on 26 June 2024 at 2:00 PM that Canberra Health Services is contravening a provision of the Work Health and Safety Act, section 19 (3) (f). You have failed to ensure so far as is reasonably practicable the provision of information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking in relation to the transport of consumers. Workers are exposed to a risk of physical and psychological injury where the hazard of lack of role clarity has not been adequately controlled.

Brief description of how the provision is being or has been contravened:

Workers are required to undertake work that exposes them to a risk of harm (physical and psychological) from the uncontrolled hazard of lack of role clarity. This is evidenced through inquiries with the workplace, whereby, the workplace was unable to demonstrate evidence of having adequately provided the information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from the work carried out as part of the conduct of the business or undertaking. Namely, the workplace has failed to provide adequate information, training, instruction or supervision in relation to the transport of consumers.

The Inspector identified:

- (1) As evidenced by the Inspector's contemporaneous notes developed at the time of the workplace visit, the workplace has experienced incidents of unsafe behaviour from consumers to workers whilst workers were carrying out the transport of consumers whereby only one worker and one consumer were present.
- (2) At the time of the workplace visit, representatives of the workplace advised Inspector Skorich that the workplace utilises a document consisting of a procedure for workers to follow when undertaking the transport of consumers including the use of fleet vehicles. Representatives of the workplace advised Inspector Skorich that workers are expected to be familiar with and adhere to this procedure. Inspector Skorich's review of the document revealed that the procedure fails to convey the consumer seating requirements where only one worker is in the vehicle.
- (3) The procedure described in point (2) delineates that workers should have completed Canberra Health Service's approved training in occupational violence. However, the Inspector's inquiries revealed workers involved in consumer transport duties to not have completed this training. Further, the procedure delineates that mental health clinicians responsible for risk assessing and determining the most appropriate way to transport a person should consider a range of issues including but not limited to the availability of appropriately trained staff for assessment and escorting. The workplace has failed to ensure workers participating in the transport of consumers are appropriately trained.
- (4) The workplace advised Inspector Skorich of online training relating to safety when transporting consumers for workers to complete however it was

revealed that workers in roles that the training is applicable to had not completed it.

(5) Inspector Skorich's inquiries revealed that the workplace has experienced incidents of harmful behaviour when transporting consumers including involving workers who have not completed the training noted in the above point (4).

The workplace has failed to provide the information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from the work carried out as part of the conduct of the business or undertaking when it was reasonably practicable to do so. The psychosocial hazard of lack of role clarity has not been controlled.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as reasonably practicable, the health and safety workers by:

- (1) Implementing the adequate information, training, instruction or supervision necessary for workers to carry out consumer transport safely.
- (2) Undertaking consultation with workers while carrying out the steps involved in point (1).
- (3) Being able to demonstrate evidence of the points (1) and (2).
- (4) Displaying a copy of the notice in a prominent location at the workplace.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider:

- (1) Confirming you are in receipt of this notice by emailing Shani.Skorich@worksafe.act.gov.au
- (2) Emailing Shani.Skorich@worksafe.act.gov.au to provide evidence of compliance with the notice
- (3) The Work Health and Safety Act 2011 (<https://www.legislation.act.gov.au/View/a/2011-35/current/html/2011-35.html>)
- (4) The Work Health and Safety Regulation 2011 (<https://www.legislation.act.gov.au/View/sl/2011-36/current/html/2011-36.html>)
- (5) The Managing Psychosocial Hazards at Work Code of Practice (<https://www.legislation.act.gov.au/View/ni/2023-482/current/html/2023-482.html>)

Issuing Details

Issued by: Shani Skorich

ID number: P52634

Date issued: 02/07/2024

Service method: Email

Notice emailed to: shaun.bayliss@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Extension of time for compliance with improvement notices

If a person has been issued with an improvement notice, they may contact the inspector who issued this notice, or email worksafe@act.gov.au to apply for an extension of time to comply with that notice. This must be done within the compliance period which ends at midnight on the due date stated in the notice. An inspector may, by written notice given to the person, extend the compliance period for the improvement notice. However, the inspector may extend the compliance period only if the period has not ended.

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the Work Health and Safety Act 2011 and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the Information Privacy Act 2014. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE EXTENSION

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
Head of Directorate name: Dave Pepper
ABN: 82049056234
ACN:
Trading As: The Canberra Hospital
Address: Yamba Drive, Garran, ACT, 2605

Details of contravention:

Site location: 20 Guraguma Street, Bruce ACT 2617

I, Shani Skorich, reasonably believe on 26 June 2024 at 2:00 PM that Canberra Health Services is contravening a provision of the Work Health and Safety Act, section 19 (3) (f). You have failed to ensure so far as is reasonably practicable the provision of information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking in relation to the transport of consumers. Workers are exposed to a risk of physical and psychological injury where the hazard of lack of role clarity has not been adequately controlled.

Brief description of how the provision is being or has been contravened:

Workers are required to undertake work that exposes them to a risk of harm (physical and psychological) from the uncontrolled hazard of lack of role clarity. This is evidenced through inquiries with the workplace, whereby, the workplace was unable to demonstrate evidence of having adequately provided the information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from the work carried out as part of the conduct of the business or undertaking. Namely, the workplace has failed to provide adequate information, training, instruction or supervision in relation to the transport of consumers.

The Inspector identified:

- (1) As evidenced by the Inspector's contemporaneous notes developed at the time of the workplace visit, the workplace has experienced incidents of unsafe behaviour from consumers to workers whilst workers were carrying out the transport of consumers whereby only one worker and one consumer were present.
- (2) At the time of the workplace visit, representatives of the workplace advised Inspector Skorich that the workplace utilises a document consisting of a procedure for workers to follow when undertaking the transport of consumers including the use of fleet vehicles. Representatives of the workplace advised Inspector Skorich that workers are expected to be familiar with and adhere to this procedure. Inspector Skorich's review of the document revealed that the procedure fails to convey the consumer seating requirements where only one worker is in the vehicle.
- (3) The procedure described in point (2) delineates that workers should have completed Canberra Health Service's approved training in occupational violence. However, the Inspector's inquiries revealed workers involved in consumer transport duties to not have completed this training. Further, the procedure delineates that mental health clinicians responsible for risk assessing and determining the most appropriate way to transport a person should consider a range of issues including but not limited to the availability of appropriately trained staff for assessment and escorting. The workplace has failed to ensure workers participating in the transport of consumers are appropriately trained.
- (4) The workplace advised Inspector Skorich of online training relating to safety when transporting consumers for workers to complete however it was revealed that workers in roles that the training is applicable to had not completed it.

(5) Inspector Skorich's inquiries revealed that the workplace has experienced incidents of harmful behaviour when transporting consumers including involving workers who have not completed the training noted in the above point (4).

The workplace has failed to provide the information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from the work carried out as part of the conduct of the business or undertaking when it was reasonably practicable to do so. The psychosocial hazard of lack of role clarity has not been controlled.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as reasonably practicable, the health and safety workers by:

- (1) Implementing the adequate information, training, instruction or supervision necessary for workers to carry out consumer transport safely.
- (2) Undertaking consultation with workers while carrying out the steps involved in point (1).
- (3) Being able to demonstrate evidence of the points (1) and (2).
- (4) Displaying a copy of the notice in a prominent location at the workplace.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider:

- (1) Confirming you are in receipt of this notice by emailing Shani.Skorich@worksafe.act.gov.au
- (2) Emailing Shani.Skorich@worksafe.act.gov.au to provide evidence of compliance with the notice
- (3) The Work Health and Safety Act 2011 (<https://www.legislation.act.gov.au/View/a/2011-35/current/html/2011-35.html>)
- (4) The Work Health and Safety Regulation 2011 (<https://www.legislation.act.gov.au/View/sl/2011-36/current/html/2011-36.html>)
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Issuing Details

Issued by: Shani Skorich

ID number: P52634

Date issued: 16/07/2024

Service method: Email

Notice emailed to: shaun.bayliss@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

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Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

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Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

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WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE EXTENSION

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
Head of Directorate name: Dave Pepper
ABN: 82049056234
ACN:
Trading As: The Canberra Hospital
Address: Yamba Drive, Garran, ACT, 2605

Details of contravention:

Site location: 20 Guraguma Street, Bruce ACT 2617

I, Shani Skorich, reasonably believe on 26 June 2024 at 2:00 PM that Canberra Health Services is contravening a provision of the Work Health and Safety Act, section 19 (3) (f). You have failed to ensure so far as is reasonably practicable the provision of information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking in relation to the transport of consumers. Workers are exposed to a risk of physical and psychological injury where the hazard of lack of role clarity has not been adequately controlled.

Brief description of how the provision is being or has been contravened:

Workers are required to undertake work that exposes them to a risk of harm (physical and psychological) from the uncontrolled hazard of lack of role clarity. This is evidenced through inquiries with the workplace, whereby, the workplace was unable to demonstrate evidence of having adequately provided the information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from the work carried out as part of the conduct of the business or undertaking. Namely, the workplace has failed to provide adequate information, training, instruction or supervision in relation to the transport of consumers.

The Inspector identified:

- (1) As evidenced by the Inspector's contemporaneous notes developed at the time of the workplace visit, the workplace has experienced incidents of unsafe behaviour from consumers to workers whilst workers were carrying out the transport of consumers whereby only one worker and one consumer were present.
- (2) At the time of the workplace visit, representatives of the workplace advised Inspector Skorich that the workplace utilises a document consisting of a procedure for workers to follow when undertaking the transport of consumers including the use of fleet vehicles. Representatives of the workplace advised Inspector Skorich that workers are expected to be familiar with and adhere to this procedure. Inspector Skorich's review of the document revealed that the procedure fails to convey the consumer seating requirements where only one worker is in the vehicle.
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The workplace has failed to provide the information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from the work carried out as part of the conduct of the business or undertaking when it was reasonably practicable to do so. The psychosocial hazard of lack of role clarity has not been controlled.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as reasonably practicable, the health and safety workers by:

- (1) Implementing the adequate information, training, instruction or supervision necessary for workers to carry out consumer transport safely.
- (2) Undertaking consultation with workers while carrying out the steps involved in point (1).
- (3) Being able to demonstrate evidence of the points (1) and (2).
- (4) Displaying a copy of the notice in a prominent location at the workplace.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider:

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- (5) The Managing Psychosocial Hazards at Work Code of Practice (<https://www.legislation.act.gov.au/View/ni/2023-482/current/html/2023-482.html>)

Issuing Details

Issued by: Shani Skorich

ID number: P52634

Date issued: 16/08/2024

Service method: Email

Notice emailed to: shaun.bayliss@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

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Review of this Work Health and Safety Act notice

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Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

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Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
 Head of Directorate name: Dave Pepper
 ABN: 82049056234
 ACN:
 Trading As: The Canberra Hospital
 Address: Yamba Drive, Garran, ACT, 2605
 Due Date: 22 August, 2024

Details of contravention:

Site location: Yamba Drive, Garran ACT 2605

I, Shani Skorich, reasonably believe on Tuesday 30 July 2024 at 9:15 AM that Canberra Health Services has contravened a provision of the Work Health and Safety Act, section 19 (3) (c) in circumstances that make it likely that the contravention will continue or be repeated. You have failed to ensure, so far as is reasonably practicable, the provision and maintenance of an adequate safe system of work for operational debriefing at the workplace where the psychosocial hazard of 'poor support' has not been adequately controlled.

Brief description of how the provision is being or has been contravened:

Workers are required to undertake work that exposes them to a risk of harm from the uncontrolled psychosocial hazard of 'poor support'. This is evidenced through inquiries with the workplace, whereby, the workplace was unable to demonstrate evidence of having adequately provided and maintained an adequate safe system of work for operational debriefing at the workplace.

Inspector Skorich's inquiries revealed:

- (1) The workplace has experienced incidents of occupational violence from patients directed to workers.
- (2) The workplace conducts operational debriefing for incidents of occupational violence either in the form of a hot debrief or a formal debrief. Instructions for how to conduct operational debriefing is included in the document titled "Psychological Support for Staff – A Manager's Guide".
- (3) The workplace has conducted operational debriefing, namely formal debriefing, following a recent incident of occupational violence from a patient directed to a worker. The formal debrief was scheduled to occur and was undertaken on a day that a number of workers involved in the incident were likely to be unable to attend.
- (4) In despite of the likely unavailability of the workers, the workplace could not demonstrate that it took all steps so far as was reasonably practicable to ensure the workers were given an alternate opportunity to participate in formal debriefing or an equivalent to formal debriefing in relation to the incident. This is in despite of the high level of importance to the health and safety of workers as can be demonstrated in the document titled "Psychological Support for Staff – A Manager's Guide" whereby operational debriefing is described as being undertaken to identify counselling and support needs, evaluating physical and emotional impact on staff and allowing workers to contribute to the development of solutions.
- (5) When Inspector Skorich inquired into the workplace's system for implementing alternate measures when relevant workers reasonably cannot attend an operational debrief, she was advised that workers have the option to request a new or alternate time for an operational debrief. However, this is not reflected in the documentation and policies related to operational debriefing and the workplace could not demonstrate evidence of the option to request a new or alternate time for a debrief being clearly communicated to workers.

The workplace has failed to provide and maintain an adequate safe system of work for operational debriefing at the workplace when it was reasonably practicable to do so. The psychosocial hazard of 'poor support' has not been controlled whereby the workplace failed to provide and maintain adequate practical assistance and emotional support in relation to operational debriefing.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as is reasonably practicable, the health and safety of workers by:

- (1) Providing and maintaining a safe system of work for operational debriefing that ensures workers who are directly involved in or affected by an incident are provided the opportunity to participate in operational debriefing or an adequate alternate measure where workers reasonably cannot attend.
- (2) Consulting with workers while providing and maintaining the new safe system of work.
- (3) Inducting current and oncoming workers into the new safe system of work.
- (4) As soon as possible, displaying a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider:

- (1) Confirming you are in receipt of this notice by emailing Shani.Skorich@worksafe.act.gov.au.
- (2) Emailing Shani.Skorich@worksafe.act.gov.au to provide evidence of compliance with the notice.
- (3) The Work Health and Safety Act 2011 (<https://www.legislation.act.gov.au/View/a/2011-35/current/html/2011-35.html>)
- (4) The Work Health and Safety Regulation 2011 (<https://www.legislation.act.gov.au/View/sl/2011-36/current/html/2011-36.html>)
- (5) The Managing Psychosocial Hazards at Work Code of Practice (<https://www.legislation.act.gov.au/View/ni/2023-482/current/html/2023-482.html>)
- (6) Work Health and Safety (Work Health and Safety Consultation, Cooperation and Coordination Code of Practice) Approval 2023 (<https://www.legislation.act.gov.au/View/ni/2023-632/current/html/2023-632.html>)

Issuing Details

Issued by: Shani Skorich

ID number: P52634

Date issued: 05/08/2024

Service method: Email

Notice emailed to: cj.cabilan@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Extension of time for compliance with improvement notices

If a person has been issued with an improvement notice, they may contact the inspector who issued this notice, or email worksafe@act.gov.au to apply for an extension of time to comply with that notice. This must be done within the compliance period which ends at midnight on the due date stated in the notice. An inspector may, by written notice given to the person, extend the compliance period for the improvement notice. However, the inspector may extend the compliance period only if the period has not ended.

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the Work Health and Safety Act 2011 and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the Information Privacy Act 2014. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE EXTENSION

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
Head of Directorate name: Dave Pepper
ABN: 82049056234
ACN:
Trading As: The Canberra Hospital
Address: Yamba Drive, Garran, ACT, 2605

Details of contravention:

Site location: Yamba Drive, Garran ACT 2605

I, Shani Skorich, reasonably believe on Tuesday 30 July 2024 at 9:15 AM that Canberra Health Services has contravened a provision of the Work Health and Safety Act, section 19 (3) (c) in circumstances that make it likely that the contravention will continue or be repeated. You have failed to ensure, so far as is reasonably practicable, the provision and maintenance of an adequate safe system of work for operational debriefing at the workplace where the psychosocial hazard of 'poor support' has not been adequately controlled.

Brief description of how the provision is being or has been contravened:

Workers are required to undertake work that exposes them to a risk of harm from the uncontrolled psychosocial hazard of 'poor support'. This is evidenced through inquiries with the workplace, whereby, the workplace was unable to demonstrate evidence of having adequately provided and maintained an adequate safe system of work for operational debriefing at the workplace.

Inspector Skorich's inquiries revealed:

- (1) The workplace has experienced incidents of occupational violence from patients directed to workers.
- (2) The workplace conducts operational debriefing for incidents of occupational violence either in the form of a hot debrief or a formal debrief. Instructions for how to conduct operational debriefing is included in the document titled "Psychological Support for Staff – A Manager's Guide".
- (3) The workplace has conducted operational debriefing, namely formal debriefing, following a recent incident of occupational violence from a patient directed to a worker. The formal debrief was scheduled to occur and was undertaken on a day that a number of workers involved in the incident were likely to be unable to attend.
- (4) In despite of the likely unavailability of the workers, the workplace could not demonstrate that it took all steps so far as was reasonably practicable to ensure the workers were given an alternate opportunity to participate in formal debriefing or an equivalent to formal debriefing in relation to the incident. This is in despite of the high level of importance to the health and safety of workers as can be demonstrated in the document titled "Psychological Support for Staff – A Manager's Guide" whereby operational debriefing is described as being undertaken to identify counselling and support needs, evaluating physical and emotional impact on staff and allowing workers to contribute to the development of solutions.
- (5) When Inspector Skorich inquired into the workplace's system for implementing alternate measures when relevant workers reasonably cannot attend an operational debrief, she was advised that workers have the option to request a new or alternate time for an operational debrief. However, this is not reflected in the documentation and policies related to operational debriefing and the workplace could not demonstrate evidence of the option to request a new or alternate time for a debrief being clearly communicated to workers.

The workplace has failed to provide and maintain an adequate safe system of work for operational debriefing at the workplace when it was reasonably

practicable to do so. The psychosocial hazard of 'poor support' has not been controlled whereby the workplace failed to provide and maintain adequate practical assistance and emotional support in relation to operational debriefing.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as is reasonably practicable, the health and safety of workers by:

- (1) Providing and maintaining a safe system of work for operational debriefing that ensures workers who are directly involved in or affected by an incident are provided the opportunity to participate in operational debriefing or an adequate alternate measure where workers reasonably cannot attend.
- (2) Consulting with workers while providing and maintaining the new safe system of work.
- (3) Inducting current and oncoming workers into the new safe system of work.
- (4) As soon as possible, displaying a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider:

- (1) Confirming you are in receipt of this notice by emailing Shani.Skorich@worksafe.act.gov.au.
- (2) Emailing Shani.Skorich@worksafe.act.gov.au to provide evidence of compliance with the notice.
- (3) The Work Health and Safety Act 2011 (<https://www.legislation.act.gov.au/View/a/2011-35/current/html/2011-35.html>)
- (4) The Work Health and Safety Regulation 2011 (<https://www.legislation.act.gov.au/View/sl/2011-36/current/html/2011-36.html>)
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Issuing Details

Issued by: Shani Skorich

ID number: P52634

Date issued: 21/08/2024

Service method: Email

Notice emailed to: cj.cabilan@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

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Compliance with direction or notice

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Maximum penalty:

- (a) in the case of an individual—\$50 000; or
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Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

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Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

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The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE EXTENSION

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
Head of Directorate name: Dave Pepper
ABN: 82049056234
ACN:
Trading As: The Canberra Hospital
Address: Yamba Drive, Garran, ACT, 2605

Details of contravention:

Site location: Yamba Drive, Garran ACT 2605

I, Shani Skorich, reasonably believe on Tuesday 30 July 2024 at 9:15 AM that Canberra Health Services has contravened a provision of the Work Health and Safety Act, section 19 (3) (c) in circumstances that make it likely that the contravention will continue or be repeated. You have failed to ensure, so far as is reasonably practicable, the provision and maintenance of an adequate safe system of work for operational debriefing at the workplace where the psychosocial hazard of 'poor support' has not been adequately controlled.

Brief description of how the provision is being or has been contravened:

Workers are required to undertake work that exposes them to a risk of harm from the uncontrolled psychosocial hazard of 'poor support'. This is evidenced through inquiries with the workplace, whereby, the workplace was unable to demonstrate evidence of having adequately provided and maintained an adequate safe system of work for operational debriefing at the workplace.

Inspector Skorich's inquiries revealed:

- (1) The workplace has experienced incidents of occupational violence from patients directed to workers.
- (2) The workplace conducts operational debriefing for incidents of occupational violence either in the form of a hot debrief or a formal debrief. Instructions for how to conduct operational debriefing is included in the document titled "Psychological Support for Staff – A Manager's Guide".
- (3) The workplace has conducted operational debriefing, namely formal debriefing, following a recent incident of occupational violence from a patient directed to a worker. The formal debrief was scheduled to occur and was undertaken on a day that a number of workers involved in the incident were likely to be unable to attend.
- (4) In despite of the likely unavailability of the workers, the workplace could not demonstrate that it took all steps so far as was reasonably practicable to ensure the workers were given an alternate opportunity to participate in formal debriefing or an equivalent to formal debriefing in relation to the incident. This is in despite of the high level of importance to the health and safety of workers as can be demonstrated in the document titled "Psychological Support for Staff – A Manager's Guide" whereby operational debriefing is described as being undertaken to identify counselling and support needs, evaluating physical and emotional impact on staff and allowing workers to contribute to the development of solutions.
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The workplace has failed to provide and maintain an adequate safe system of work for operational debriefing at the workplace when it was reasonably

practicable to do so. The psychosocial hazard of 'poor support' has not been controlled whereby the workplace failed to provide and maintain adequate practical assistance and emotional support in relation to operational debriefing.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as is reasonably practicable, the health and safety of workers by:

- (1) Providing and maintaining a safe system of work for operational debriefing that ensures workers who are directly involved in or affected by an incident are provided the opportunity to participate in operational debriefing or an adequate alternate measure where workers reasonably cannot attend.
- (2) Consulting with workers while providing and maintaining the new safe system of work.
- (3) Inducting current and oncoming workers into the new safe system of work.
- (4) As soon as possible, displaying a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider:

- (1) Confirming you are in receipt of this notice by emailing Shani.Skorich@worksafe.act.gov.au.
- (2) Emailing Shani.Skorich@worksafe.act.gov.au to provide evidence of compliance with the notice.
- (3) The Work Health and Safety Act 2011 (<https://www.legislation.act.gov.au/View/a/2011-35/current/html/2011-35.html>)
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Issuing Details

Issued by: Shani Skorich

ID number: P52634

Date issued: 13/09/2024

Service method: Email

Notice emailed to: cj.cabilan@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

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Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
 Head of Directorate name: Chief Executive Officer
 ABN: 82049056234
 ACN:
 Trading As: The Canberra Hospital
 Address: Yamba Drive, Garran, ACT, 2605
 Due Date: 7 February, 2025

Details of contravention:

Site location: The Canberra Hospital, Yamba Drive, Garran, Canberra ACT 2605

I, Jenny Nguyen, formed a reasonable belief on 14 November 2024 at approximately 02:00 pm that Canberra Health Services, trading as Mental Health, Justice Health and Alcohol & Drug Services, are contravening a provision of the Work Health and Safety (WHS) Act 2011, section 19 (1), and a provision of the Work Health and Safety Regulation 2011, section 35.

The person conducting the business or undertaking (PCBU) has not ensured, so far as is reasonably practicable, the health and safety of workers at the workplace, because they have not minimised risks to health and safety so far as is reasonably practicable.

Brief description of how the provision is being or has been contravened:

Review of documents and correspondence with the workplace revealed the following:

- (1) The workplace has become aware of at least one case of alleged harm to a worker emanating from uncontrolled psychosocial hazards related to harmful behaviours between workers.
- (2) The workplace has responded to the case referred to in the above point (1) by conducting a Preliminary Assessment as outlined in the workplace Enterprise Agreement.
- (3) Upon inquiries from Inspector, the workplace confirmed that they have not conducted a WHS investigation concurrently to this assessment to identify and eliminate or minimise any underlying psychosocial hazards and risks so far as is reasonably practicable, in accordance with the Work Health and Safety Act 2011.

Discussions with the workplace revealed that Preliminary Assessment is undertaken by a manager to gather information and decide on whether any further action is required. This action focuses on Employee Relations outcomes, such as improving workplace relationships, advising the employee of the behaviour and supporting them to overcome the concerns, and determining whether misconduct has or has not occurred. However, the process does not look into underlying psychosocial WHS hazards and risks.

The workplace also confirmed that they have implemented a process for addressing incidents involving harmful behaviours between workers. In this process, the WHS Team refers such incidents to the HR Business Partners Team and relevant managers to conduct a Preliminary Assessment. However, there is no mechanism for these teams to refer incidents back to the WHS Team for a WHS investigation.

As outlined in the Work Health and Safety (Managing Psychosocial Hazards at Work Code of Practice) Approval 2023, any WHS investigation into reports of incidents involving psychosocial risks should primarily aim to identify or characterize hazards or new or improved control measures. Harmful behaviours,

such as bullying and harassment can be inappropriate responses from workers exposed to other hazards, for example high job demands and poor support. Where these behaviours breach employment codes of conduct or professional standards you may require a separate investigation into these breaches as a disciplinary matter, as well as a systematic WHS investigation (Concurrent WHS investigation) looking at any hazards present and ensuring they are controlled. Where breaches of a code of conduct or professional standard are not proven there may still be an underlying WHS risk which needs to be controlled.

The PCBU has failed to provide and maintain adequate systems of work that ensure concurrent work health and safety investigations are undertaken when and as is necessary.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as is reasonably practicable, the health and safety of workers by:

- (1) Providing and maintaining adequate systems of work that ensure concurrent work health and safety investigations are undertaken when and as is necessary.
- (2) Undertaking genuine consultation with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to work health or safety.
- (3) Inducting all relevant workers into the new systems of work.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider:

- (1) Confirming you are in receipt of this notice by emailing jennyk.nguyen@worksafe.act.gov.au.
- (2) Emailing jennyk.nguyen@worksafe.act.gov.au to provide evidence of compliance with the notice.
- (3) The Work Health and Safety Act 2011 (<https://www.legislation.act.gov.au/View/a/2011-35/current/html/2011-35.html>)
- (4) The Work Health and Safety Regulation 2011 (<https://www.legislation.act.gov.au/View/sl/2011-36/current/html/2011-36.html>)
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- (7) As soon as possible, displaying a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice.

Issuing Details

Issued by: Jenny Nguyen

ID number: P60771

Date issued: 04/12/2024

Service method: Email

Notice emailed to: annaliesha.flynn@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

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Extension of time for compliance with improvement notices

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A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

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Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax:(02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE EXTENSION

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
Head of Directorate name: Chief Executive Officer
ABN: 82049056234
ACN:
Trading As: The Canberra Hospital
Address: Yamba Drive, Garran, ACT, 2605

Details of contravention:

Site location: The Canberra Hospital, Yamba Drive, Garran, Canberra ACT 2605

I, Jenny Nguyen, formed a reasonable belief on 14 November 2024 at approximately 02:00 pm that Canberra Health Services, trading as Mental Health, Justice Health and Alcohol & Drug Services, are contravening a provision of the Work Health and Safety (WHS) Act 2011, section 19 (1), and a provision of the Work Health and Safety Regulation 2011, section 35.

The person conducting the business or undertaking (PCBU) has not ensured, so far as is reasonably practicable, the health and safety of workers at the workplace, because they have not minimised risks to health and safety so far as is reasonably practicable.

Brief description of how the provision is being or has been contravened:

Review of documents and correspondence with the workplace revealed the following:

- (1) The workplace has become aware of at least one case of alleged harm to a worker emanating from uncontrolled psychosocial hazards related to harmful behaviours between workers.
- (2) The workplace has responded to the case referred to in the above point (1) by conducting a Preliminary Assessment as outlined in the workplace Enterprise Agreement.
- (3) Upon inquiries from Inspector, the workplace confirmed that they have not conducted a WHS investigation concurrently to this assessment to identify and eliminate or minimise any underlying psychosocial hazards and risks so far as is reasonably practicable, in accordance with the Work Health and Safety Act 2011.

Discussions with the workplace revealed that Preliminary Assessment is undertaken by a manager to gather information and decide on whether any further action is required. This action focuses on Employee Relations outcomes, such as improving workplace relationships, advising the employee of the behaviour and supporting them to overcome the concerns, and determining whether misconduct has or has not occurred. However, the process does not look into underlying psychosocial WHS hazards and risks.

The workplace also confirmed that they have implemented a process for addressing incidents involving harmful behaviours between workers. In this process, the WHS Team refers such incidents to the HR Business Partners Team and relevant managers to conduct a Preliminary Assessment. However, there is no mechanism for these teams to refer incidents back to the WHS Team for a WHS investigation.

As outlined in the Work Health and Safety (Managing Psychosocial Hazards at Work Code of Practice) Approval 2023, any WHS investigation into reports of incidents involving psychosocial risks should primarily aim to identify or characterize hazards or new or improved control measures. Harmful behaviours, such as bullying and harassment can be inappropriate responses from workers exposed to other hazards, for example high job demands and poor support.

Where these behaviours breach employment codes of conduct or professional standards you may require a separate investigation into these breaches as a disciplinary matter, as well as a systematic WHS investigation (Concurrent WHS investigation) looking at any hazards present and ensuring they are controlled. Where breaches of a code of conduct or professional standard are not proven there may still be an underlying WHS risk which needs to be controlled.

The PCBU has failed to provide and maintain adequate systems of work that ensure concurrent work health and safety investigations are undertaken when and as is necessary.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as is reasonably practicable, the health and safety of workers by:

- (1) Providing and maintaining adequate systems of work that ensure concurrent work health and safety investigations are undertaken when and as is necessary.
- (2) Undertaking genuine consultation with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to work health or safety.
- (3) Inducting all relevant workers into the new systems of work.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider:

- (1) Confirming you are in receipt of this notice by emailing jennyk.nguyen@worksafe.act.gov.au.
- (2) Emailing jennyk.nguyen@worksafe.act.gov.au to provide evidence of compliance with the notice.
- (3) The Work Health and Safety Act 2011 (<https://www.legislation.act.gov.au/View/a/2011-35/current/html/2011-35.html>)
- (4) The Work Health and Safety Regulation 2011 (<https://www.legislation.act.gov.au/View/sl/2011-36/current/html/2011-36.html>)
- (5) The Managing Psychosocial Hazards at Work Code of Practice (<https://www.legislation.act.gov.au/View/ni/2023-482/current/html/2023-482.html>)
- (6) Work Health and Safety (Work Health and Safety Consultation, Cooperation and Coordination Code of Practice) Approval 2023 (<https://www.legislation.act.gov.au/View/ni/2023-632/current/html/2023-632.html>)
- (7) As soon as possible, displaying a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice.

Issuing Details

Issued by: Jenny Nguyen

ID number: P60771

Date issued: 05/02/2025

Service method: Email

Notice emailed to: annaliesha.flynn@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the Work Health and Safety Act 2011 and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the Information Privacy Act 2014. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

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Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

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You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE

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You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services

Head of Directorate name: Chief Executive Officer

ABN: 82049056234

ACN:

Trading As:

Address: , , ,

Due Date: 7 February, 2025

Details of contravention:

Site location: 20 Guraguma St, Bruce ACT 2617

I, Shani Skorich, formed a reasonable belief on 13 December 2024 at about 11:30 AM that Canberra Health Services, trading as Rehabilitation, Aged & Community Services (RACS), are contravening a provision of the Work Health and Safety Act 2011, section 19 (1), and a provision of the Work Health and Safety Regulation 2011, section 35.

The person conducting a business or undertaking (PCBU) has not ensured, so far as is reasonably practicable, the health and safety of workers at the workplace, because they have not minimised risks to health and safety so far as is reasonably practicable.

Brief description of how the provision is being or has been contravened:

Review of documents and correspondence with the workplace revealed the following:

- (1) The workplace has become aware of at least one case, spanning over a considerably long period of time and involving multiple workers, of alleged harm to workers emanating from uncontrolled psychosocial hazards related to harmful behaviours.
- (2) The workplace has responded to the case referred to in point (1) by conducting preliminary assessments only. The workplace did not conduct a WHS investigation concurrently to this process to identify and eliminate or minimise underlying psychosocial risks so far as is reasonably practicable.
- (3) The workplace utilises a Preliminary Assessment Guide which states that the preliminary assessment process helps “determine what the allegation is about” such as to establish, for example, whether an underperformance process or misconduct investigation is required.
- (4) Discussions with representatives from the workplace confirmed that preliminary assessments are conducted for the purpose of establishing next steps to carry out in relation to a specific case or matter involving individual workers. The preliminary assessment process is not designed to identify and assess work health and safety hazards and risks more broadly at a workplace. Whilst the preliminary assessment may, on occasion, lead to work health and safety hazards being identified, there is a lack of a formalised and systematic process in place for doing so through a preliminary assessment only.

The PCBU has failed to provide and maintain adequate systems of work that ensure concurrent work health and safety investigations are undertaken when and as necessary.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as is reasonably practicable, the health and safety of workers by:

- (1) Providing and maintaining adequate systems of work that ensure concurrent work health and safety investigations are undertaken when and as necessary.
- (2) Undertaking genuine consultation with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a

matter relating to work health and safety – while complying with above direction (1).

(3) Inducting all relevant workers into the new systems of work.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider:

- (1) Confirming you are in receipt of this notice by emailing the issuing inspector.
- (2) Emailing the issuing inspector to demonstrate evidence of compliance with this notice.
- (3) The Work Health and Safety Act 2011 (<https://www.legislation.act.gov.au/View/a/2011-35/current/html/2011-35.html>).
- (4) The Work Health and Safety Regulation 2011 (<https://www.legislation.act.gov.au/View/sl/2011-36/current/html/2011-36.html>).
- (5) The Managing Psychosocial Hazards at Work Code of Practice (<https://www.legislation.act.gov.au/View/ni/2023-482/current/html/2023-482.html>).
- (6) Work Health and Safety (Work Health and Safety Consultation, Cooperation and Coordination Code of Practice) Approval 2023 (<https://www.legislation.act.gov.au/View/ni/2023-632/current/html/2023-632.html>).
- (7) As soon as possible, displaying a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice.

Issuing Details

Issued by: Shani Skorich

ID number: P52634

Date issued: 17/12/2024

Service method: Email

Notice emailed to: annaliesha.flynn@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Extension of time for compliance with improvement notices

If a person has been issued with an improvement notice, they may contact the inspector who issued this notice, or email worksafe@act.gov.au to apply for an extension of time to comply with that notice. This must be done within the compliance period which ends at midnight on the due date stated in the notice. An inspector may, by written notice given to the person, extend the compliance period for the improvement notice. However, the inspector may extend the compliance period only if the period has not ended.

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the Work Health and Safety Act 2011 and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the Information Privacy Act 2014. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE EXTENSION

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
Head of Directorate name: Chief Executive Officer
ABN: 82049056234
ACN:
Trading As:
Address: , , ,

Details of contravention:

Site location: 20 Guraguma St, Bruce ACT 2617

I, Shani Skorich, formed a reasonable belief on 13 December 2024 at about 11:30 AM that Canberra Health Services, trading as Rehabilitation, Aged & Community Services (RACS), are contravening a provision of the Work Health and Safety Act 2011, section 19 (1), and a provision of the Work Health and Safety Regulation 2011, section 35.

The person conducting a business or undertaking (PCBU) has not ensured, so far as is reasonably practicable, the health and safety of workers at the workplace, because they have not minimised risks to health and safety so far as is reasonably practicable.

Brief description of how the provision is being or has been contravened:

Review of documents and correspondence with the workplace revealed the following:

- (1) The workplace has become aware of at least one case, spanning over a considerably long period of time and involving multiple workers, of alleged harm to workers emanating from uncontrolled psychosocial hazards related to harmful behaviours.
- (2) The workplace has responded to the case referred to in point (1) by conducting preliminary assessments only. The workplace did not conduct a WHS investigation concurrently to this process to identify and eliminate or minimise underlying psychosocial risks so far as is reasonably practicable.
- (3) The workplace utilises a Preliminary Assessment Guide which states that the preliminary assessment process helps “determine what the allegation is about” such as to establish, for example, whether an underperformance process or misconduct investigation is required.
- (4) Discussions with representatives from the workplace confirmed that preliminary assessments are conducted for the purpose of establishing next steps to carry out in relation to a specific case or matter involving individual workers. The preliminary assessment process is not designed to identify and assess work health and safety hazards and risks more broadly at a workplace. Whilst the preliminary assessment may, on occasion, lead to work health and safety hazards being identified, there is a lack of a formalised and systematic process in place for doing so through a preliminary assessment only.

The PCBU has failed to provide and maintain adequate systems of work that ensure concurrent work health and safety investigations are undertaken when and as necessary.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as is reasonably practicable, the health and safety of workers by:

- (1) Providing and maintaining adequate systems of work that ensure concurrent work health and safety investigations are undertaken when and as necessary.

- (2) Undertaking genuine consultation with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to work health and safety – while complying with above direction (1).
- (3) Inducting all relevant workers into the new systems of work.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider:

- (1) Confirming you are in receipt of this notice by emailing the issuing inspector.
- (2) Emailing the issuing inspector to demonstrate evidence of compliance with this notice.
- (3) The Work Health and Safety Act 2011 (<https://www.legislation.act.gov.au/View/a/2011-35/current/html/2011-35.html>).
- (4) The Work Health and Safety Regulation 2011 (<https://www.legislation.act.gov.au/View/sl/2011-36/current/html/2011-36.html>).
- (5) The Managing Psychosocial Hazards at Work Code of Practice (<https://www.legislation.act.gov.au/View/ni/2023-482/current/html/2023-482.html>).
- (6) Work Health and Safety (Work Health and Safety Consultation, Cooperation and Coordination Code of Practice) Approval 2023 (<https://www.legislation.act.gov.au/View/ni/2023-632/current/html/2023-632.html>).
- (7) As soon as possible, displaying a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice.

Issuing Details

Issued by: Shani Skorich

ID number: P52634

Date issued: 05/02/2025

Service method: Email

Notice emailed to: annaliesha.flynn@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
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Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

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Review of this Work Health and Safety Act notice

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Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

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Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
 Head of Directorate name: Dave Pepper
 ABN: 82049056234
 ACN:
 Trading As: The Canberra Hospital
 Address: Yamba Drive, Garran, ACT, 2605
 Due Date: 1 April, 2025

Details of contravention:

Site location: Yamba Drive, Garran ACT 2605

I, Inspector Claire Helmers, formed a reasonable belief on 11 March 2025 about 11am that Canberra Health Services has contravened section 19(1) of the Work Health and Safety Act 2011 (ACT) in circumstances that make it likely the contravention will continue or be repeated.

Section 19 (1) states that a person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of workers engaged or caused to be engaged by the person while the workers are at work in the business or undertaking.

Regulations 33 to 38 of the Work Health and Safety Regulation 2011 (ACT) require a duty holder to identify hazards, manage risks to health and safety using the hierarchy of control measures, and maintain and review control measures.

Canberra Health Services, as the person conducting a business or undertaking (PCBU), has a duty to provide safe systems of work. Inspector Claire Helmers made inquiries with workers in supervisory roles from Hospital in the Home (HITH), a service within Canberra Health Services, and identified that workers have not been provided a safe system of work relating to risk assessments for home visits, specifically the Home Visit Pre-Assessment.

Brief description of how the provision is being or has been contravened:

The basis for Inspector Claire Helmers' belief that Canberra Health Service has contravened section 19(1) in the manner described above is set out as follows:

Canberra Health Services conducts an undertaking which involves the provision of health services to the people of the Australian Capital Territory. Inspector Claire Helmers believes the responsibilities of Canberra Health Services in conducting that undertaking include the work health and safety of its workers, and persons engaged by it. This belief is held, in part, on the basis of a notifiable incident report submitted to WorkSafe in February 2025 in relation to an incident involving workers of Canberra Health Services.

Workers are exposed to a risk to their health and safety due to the lack of a safe system regarding risk assessing home visits, the current form used to assess the risk of home visits provides information that is limited, unverified, and may not be contemporary.

Inspector Claire Helmers has read the Canberra Health Services procedure for "Home Visiting". Under that procedure a risk assessment must be completed prior to any home visit. The risk assessment includes the completion of the "Home Visiting Pre-Assessment" form.

Inspector Claire Helmers read the Pre-Assessment Form which records the patient's responses to a number of closed questions (yes / no, or one-word answers). Each question is phrased as a point in time question, for example "Is anyone in the house ill at present?" or "Does anyone at the house smoke?".

Questions of that nature do not identify risks to health and safety which may exist if foreseeable circumstances come into existence.

The final question, "Are there any risks which the patient thinks staff should be made aware of?" is vague and provides little guidance for patients to provide further advice.

The "Home Visiting" procedure also states that work areas may determine the frequency for the completion of Home Visiting Pre-Assessment forms. The

frequency may be prior to every home visit or at another specified interval, such as monthly with review as necessary. This means information relied upon in conducting the visit may be out of date and misleading, as at the time of the visit.

Inspector Claire Helmers made inquiries with HITH workers, and was advised the pre-assessment is completed when a patient is first referred to the HITH service and is only re-completed if there is a temporary or permanent change in address. Outside of a change in address, the existing system of work does not require monthly reviews or routine reassessment of the risks (whether by re-completing the pre-assessment form or by some other substantive measure).

The failure of the existing system of work to record and assess changes to the hazards or risks associated with a remote workplace means identification of a hazard or risk depends on it being volunteered by the patient without prompting (and prior to a visit). Those hazards include, but are not limited to:

- as a new household member;
- a new pet;
- changes in consumption of cigarettes, drugs, alcohol; or
- the acquisition of weapons;
- slips, trips or fall hazards relating to clutter

Further, there is no mechanism in the existing system of work to verify or confirm the accuracy of the information given by patients in the "Home Visiting Pre-Assessment" form. The failure to independently verify the information supplied means the identification of risks depends on the consumer's honesty, which might be affected by their interest in receiving health services at home.

One question posed by the "Home Visiting Pre-Assessment" form is "are there any alerts relating to violence or aggression?". Inquires made by Inspector Claire Helmers revealed Canberra Health Services' practice is to check for alerts of violence or aggression on a patient's Digital Health Record (DHR) profile. However, no inquiries are made in relation to other occupants of the house.

In a recent incident, Canberra Health Services was aware a household member was likely to be present in the home during the home visit. Canberra Health Services should have known there were alerts on that person's DHR profile which indicated a risk of violence or aggression. Those records were not checked as the relevant workers did not have access to alerts for persons other than the patient.

During inquiries made by Inspector Claire Helmers, the HITH workers explained that they only check the profile of the patient, even if additional household members have been identified as present in the house for the time of the visit. Accordingly, Inspector Claire Helmers believes the risk assessment system of work does not adequately interrogate reasonably available information regarding any other persons likely to be present at the premises at the time of the activity.

The existing system of work does not allow Canberra Health Services to identify reasonably foreseeable hazards or risks at remote workplaces, and supplies workers with a potentially misleading impression as to the circumstances at the workplace. Further, the information recorded by the existing system of work is not verified and is largely contingent on the patient's honesty.

For the reasons set out above, Inspector Claire Helmers believes the information acquired through the current system of risk assessment does not allow Canberra Health Services to implement appropriate control measures to manage the risks.

The circumstances that make it likely that the contravention will continue or be repeated is that Canberra Health Services had awareness of two occurrences of violence and aggression in February 2025 and is yet to implement a safe system of work for risk assessing home visits which enables accurate and contemporary information to be considered as part of the assessment. This exposes workers to a risk to their health and safety.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as is reasonably practicable, that:

You develop and implement a safe system of work for risk assessing each home visit independently which enables accurate and contemporary information to be considered as part of the assessment.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider:

(1) Confirming that you are in receipt of this Improvement Notice via email to Claire.Helmerts@worksafe.act.gov.au.

(2) Emailing Claire.Helmerts@worksafe.act.gov.au to provide evidence of compliance with the notice prior to the day by which the person is required to remedy the contravention.

(3) The following reference tools:

Work Health and Safety Act 2011, particularly section 19. (<https://legislation.act.gov.au/View/a/2011-35/current/html/2011-35.html>)

Work Health and Safety (Managing Psychosocial Hazards at Work Code of Practice) Approval 2023. (

<https://www.legislation.act.gov.au/View/ni/2023-482/current/html/2023-482.html>)

Work Health and Safety (Managing the Work Environment and Facilities Code of Practice) Approval 2020, particularly section 4.2. (

<https://legislation.act.gov.au/View/ni/2020-551/current/html/2020-551.html>)

Issuing Details

Issued by: Claire Helmers

ID number: P32675

Date issued: 17/03/2025

Service method: Email

Notice emailed to: dave.peffer@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Extension of time for compliance with improvement notices

If a person has been issued with an improvement notice, they may contact the inspector who issued this notice, or email worksafe@act.gov.au to apply for an extension of time to comply with that notice. This must be done within the compliance period which ends at midnight on the due date stated in the notice. An inspector may, by written notice given to the person, extend the compliance period for the improvement notice. However, the inspector may extend the compliance period only if the period has not ended.

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

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Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax:(02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
 Head of Directorate name: Dave Pepper
 ABN: 82049056234
 ACN:
 Trading As: The Canberra Hospital
 Address: Yamba Drive, Garran, ACT, 2605
 Due Date: 29 April, 2025

Details of contravention:

Site location: Yamba Drive, Garran ACT 2605

I, Inspector Claire Helmers, formed a reasonable belief on 11 March 2025 about 11am that Canberra Health Services has contravened section 19(1) of the Work Health and Safety Act 2011 (ACT) in circumstances that make it likely the contravention will continue or be repeated.

Section 19(1) states that a person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of workers engaged or caused to be engaged by the person while the workers are at work in the business or undertaking.

Canberra Health Services, as the person conducting a business or undertaking (PCBU), has a duty to provide safe systems of work. As evidenced through inquiries with Hospital in the Home (HITH) and with Belconnen Community Recovery Service (BCRS), the PCBU has not ensured the provision of a safe system of work relating to the implemented duress device system, namely SafeTcard.

Brief description of how the provision is being or has been contravened:

The basis for Inspector Claire Helmers' belief that Canberra Health Service has contravened section 19(1) in the manner described above is set out as follows:

Canberra Health Services conducts an undertaking which involves the provision of health services to the people of the Australian Capital Territory. Inspector Claire Helmers believes the responsibilities of Canberra Health Services in conducting that undertaking include the work health and safety of its workers, and persons engaged by it. This belief is held, in part, on the basis of a notifiable incident report submitted to WorkSafe in February 2025 in relation to an incident involving workers of Canberra Health Services.

Workers are exposed to a risk of harm because the current community duress device system is not safe.

Inspector Claire Helmers made inquiries that identified that Canberra Health Services uses a Community Duress Device system, namely the SafeTcard. This system involves the use of a physical duress device which can be activated by pressing a button, pulling a cord, or by the duress device being dropped. The duress device will transmit live audio to an Alarm Receiving Centre (ARC) located in Queensland. The ARC operators assess the audio and respond as they deem appropriate which may include phoning the worker, the nominated contact of the worker, or contacting emergency services.

Inspector Claire Helmers made inquiries within two work areas at Canberra Health Service, Hospital in the Home (HITH) and Belconnen Community Recovery Service (BCRS), and reached a belief that the Community Duress Device, namely the SafeTcard, is unreliable and ineffective.

Inspector Claire Helmers discussed the duress device system with workers engaged by Canberra Health Services within HITH and BCRS. During those conversations, workers described occurrences of significant lags between the SafeTcard duress device being activated, and the work area being contacted by the ARC Operators. Workers explained that on one occasion, a device was accidentally activated and the workers were unaware of its activation until about 45 minutes later when the work area was contacted by an ARC Operator. Workers from both HITH and BCRS also provided examples of the incorrect nominated persons being contacted in response to duress activation.

Inspector Claire Helmers made inquiries in relation to a recent incident involving workers from BCRS, notified to WorkSafe ACT. That matter involved the activation of the SafeTcard where significant personal violence was occurring. However, the SafeTcard did not effectively capture the full circumstances because the device transmits and records audio only, and much of it was non-verbal. As such, the ARC Operators did not have sufficient or accurate information regarding what was occurring. Crucially, the location data held by the ARC Operators also attributed the incident to the wrong suburb. Further, when the ARC Operators attempted to contact the workplace they called a disconnected number, before attempting to call the admin team, who were unavailable at the time.

Inspector Claire Helmers believes the circumstances outlined above are highly indicative of an ineffective duress device system. The purpose of a duress device system is to immediately alert the workplace of a real risk to the safety of a worker. The importance of that system in remote work is significant. Inspector Claire Helmers read the Canberra Health Services procedure for the "Community Duress Device". That document directs worker not to activate the duress device unless the consumer consents to it. During discussions with workers within HITH and BCRS, Inspector Claire Helmers became aware that workers are hesitant to use the duress system out of fear of disobeying that direction. Inspector Claire Helmers believes that in some circumstances, seeking the consent of a consumer to record their audio during a heightened encounter may further escalate the situation leading to violence and aggression against the worker. Inspector Claire Helmers also believes that the requirement to seek the consent of a consumer who is deploying violence (or on the verge of it) unnecessarily impedes the delivery of assistance by Canberra Health Services in circumstances of urgency and / or where the workers safety depends on it. The "Community Duress Device" procedure also states that "change of designated contact details such as a change in role or phone number, are to be communicated to WHS team at CHS.WorkHealthSafety@act.gov.au", however there no mechanism in place, such as a yearly audit, for ensuring the accuracy of contact details.

Inspector Claire Helmers believes it is reasonably practicable to implement an effective duress device system which ensures the health and safety of workers engaged by Canberra Health Services. That specific belief is held on the basis of a duress device system in place within the ACT Ambulance Service, which is also part of ACT Public Service, and should be reasonably accessible to Canberra Health Services.

The circumstances that make it likely that the contravention will continue or be repeated is that Canberra Health Services had awareness of two occurrences of violence and aggression in February 2025 and is yet to implement a safe system of work for responding to duress. This exposes workers to a risk to their health and safety.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as is reasonably practicable, that:

- (1) You develop and implement a safe system of work including an effective duress device system which ensures the health and safety of workers engaged by Canberra Health Services and who perform remote work.
- (2) You provide information, training, and instruction about the new duress device system to all workers who are required to perform remote work.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider:

- (1) Confirming that you are in receipt of this Improvement Notice via email to Claire.Helmerts@worksafe.act.gov.au.
- (2) Emailing Claire.Helmerts@worksafe.act.gov.au to provide evidence of compliance with the notice prior to the day by which the person is required to remedy the contravention.
- (3) The following reference tools:

Work Health and Safety Act 2011, particularly section 19. (<https://legislation.act.gov.au/View/a/2011-35/current/html/2011-35.html>)

Work Health and Safety (Managing Psychosocial Hazards at Work Code of Practice) Approval 2023. (<https://www.legislation.act.gov.au/View/ni/2023-482/current/html/2023-482.html>)

Work Health and Safety (Managing the Work Environment and Facilities Code of Practice) Approval 2020, particularly section 4.2. (<https://legislation.act.gov.au/View/ni/2020-551/current/html/2020-551.html>)

Work Health and Safety (How to Manage Work Health and Safety Risks Code of Practice) Approval 2020 (<https://legislation.act.gov.au/View/ni/2020-547/current/html/2020-547.html>)

Issuing Details

Issued by: Claire Helmers

ID number: P32675

Date issued: 17/03/2025

Service method: Email

Notice emailed to: dave.peffer@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Extension of time for compliance with improvement notices

If a person has been issued with an improvement notice, they may contact the inspector who issued this notice, or email worksafe@act.gov.au to apply for an extension of time to comply with that notice. This must be done within the compliance period which ends at midnight on the due date stated in the notice. An inspector may, by written notice given to the person, extend the compliance period for the improvement notice. However, the inspector may extend the compliance period only if the period has not ended.

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the Work Health and Safety Act 2011 and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the Information Privacy Act 2014. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

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The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
 Head of Directorate name: Dave Pepper
 ABN: 82049056234
 ACN:
 Trading As: The Canberra Hospital
 Address: Yamba Drive, Garran, ACT, 2605
 Due Date: 29 April, 2025

Details of contravention:

Site location: Yamba Drive, Garran ACT 2605

I, Inspector Claire Helmers, formed a reasonable belief on 11 March 2025 about 11am that Canberra Health Services has contravened section 19(1) of the Work Health and Safety Act 2011 (ACT), and regulation 48(2) of the Work Health and Safety Regulation 2011 (ACT) in circumstances that make it likely the contraventions will continue or be repeated.

Section 19 (1) of the Work Health and Safety Act 2011 (ACT) states that a person conducting a business or undertaking (PCBU) must ensure, so far as is reasonably practicable, the health and safety of workers engaged or caused to be engaged by the person while the workers are at work in the business or undertaking.

Regulation 48 of the Work Health and Safety Regulation 2011 (ACT) in minimising risks to the health and safety of a worker associated with remote or isolated work, a PCBU must provide a system of work which includes effective communication with the worker.

Canberra Health Services, as the PCBU, has a duty to provide safe systems of work.

Inspector Claire Helmers made inquiries with workers in supervisory roles from Hospital in the Home (HITH), a service within Canberra Health Services and identified that workers are not provided with a safe system of work for the remote and isolated work associated with home visits.

Brief description of how the provision is being or has been contravened:

The basis for Inspector Claire Helmers' belief that Canberra Health Service has contravened section 19(1) in the manner described above is set out as follows:

Canberra Health Services conducts an undertaking which involves the provision of health services to the people of the Australian Capital Territory. Inspector Claire Helmers believes the responsibilities of Canberra Health Services in conducting that undertaking include the work health and safety of its workers, and persons engaged by it. This belief is held, in part, on the basis of a notifiable incident report submitted to WorkSafe in February 2025 in relation to an incident involving workers of Canberra Health Services.

Workers are exposed to a risk of harm by carrying out home visits without a safe system of work related to remote and isolated work that ensures effective communication.

Inspector Claire Helmers made inquiries that identified that the HITH service requires workers to attend patient's homes to provide medical care. This requires workers to undertake work in unfamiliar, remote, and sometimes isolated circumstances.

Inspector Claire Helmers made inquiries that identified that HITH workers generally attend homes by themselves, however, may attend with a second worker in some circumstances. Those circumstances include where the work is performed during the evening or if one of the workers is a novice. HITH workers also explained that home visits can occur between the hours of 7:30am and 10:00pm, and workers travel by car across the Australian Capital Territory to carry out the work.

Inspector Claire Helmers was advised by HITH workers that during home visits:

- workers do not have access to other workers, wardsmen, or security;
 - Workers may be unfamiliar with the floor plan of the building, including escape routes, or the locations of safe and secure places to retreat.
- Each of those circumstances are important control measures which mitigate the risk of injury and are absent when providing care in a home visit setting. Inspector Claire Helmers made inquiries about the systems of work in place for ensuring workers are safe when carrying out home visits across the Australian Capital Territory. The HITH workers explained that they are expected to call their supervisor and provide updates regarding their progression status and whereabouts.

The HITH workers further explained to Inspector Claire Helmers that they are provided with a sheet that includes details for the anticipated visits of the day, including anticipated visit lengths, and that actual visits and visit lengths may vary depending on the patient's availability and care needs. When queried if there is a system to monitor worker's locations, the workers explained that the cars had electronic logbooks (ELB) installed however these devices do not provide Canberra Health Services information in real time.

Inspector Claire Helmers notes that in determining a worker's location and health and safety, the workplace currently must rely upon where they might expect the worker to be based on the sheet and information provided, if any, by the worker during the day.

Canberra Health Services supplied Inspector Claire Helmers a written procedure "Home Visiting". Inspector Claire Helmers has read that document and notes Canberra Health Services gives discretion for each work area to determine their own system for communicating with workers regarding their status and whereabouts.

Under the "Home Visiting" procedure, Canberra Health Services initiates contact with the worker to check on their welfare if they do not return to their work area within 30 to 60 minutes of the expected return time. This is the only check conducted by Canberra Health Services (at Canberra Health Services' initiative). Inspector Claire Helmers understands from workers that they may conduct several visits during a shift, such that their expected return time may be hours after the first visit. Under the existing system of work, throughout that intervening period, Canberra Health Services has limited oversight of the workers location or welfare and is unaware of any incident (not relayed by the ineffective duress system).

The circumstances that make it likely that the contravention will continue or be repeated is that Canberra Health Services had awareness of two occurrences of violence and aggression in February 2025 and is yet to implement a safe system of work for communicating with workers to effectively monitor their health and safety, and respond in a timely manner to any incidents, hazards or risks that arise.

This exposes workers to a risk to their health and safety.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: (it is mandatory to comply with these directions)

You must ensure, so far as is reasonably practicable, that:

You develop and implement a safe system of work in relation to remote and isolated work, inclusive of home visits, that ensures effective communication with the worker to effectively monitor their health and safety, and respond in a timely manner to any incidents, hazards or risks that arise.

Recommendations (if any): (it is not an offence not to comply with these recommendations)

That you consider:

- (1) Confirming that you are in receipt of this Improvement Notice via email to Claire.Helmerts@worksafe.act.gov.au.
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Issuing Details

Issued by: Claire Helmers

ID number: P32675

Date issued: 17/03/2025

Service method: Email

Notice emailed to: dave.peffer@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

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WorkSafe ACT contact details

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Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
 Head of Directorate name: Dave Pepper
 ABN: 82049056234
 ACN:
 Trading As: The Canberra Hospital
 Address: Yamba Drive, Garran, ACT, 2605
 Due Date: 1 April, 2025

Details of contravention:

Site location: Yamba Drive, Garran ACT 2605

I, Inspector Claire Helmers, formed a reasonable belief on 11 March 2025 about 11am that Canberra Health Services has contravened section 19(1) of the Work Health and Safety Act 2011 (ACT) in circumstances that make it likely the contravention will continue or be repeated.

Section 19(1) states that a person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of workers engaged or caused to be engaged by the person while the workers are at work in the business or undertaking.

Canberra Health Services, as the person conducting a business or undertaking (PCBU), has a duty to provide any necessary information, training, and instruction to workers to enable them to undertake their roles safely.

Inspector Claire Helmers made inquiries with workers in supervisory roles from Hospital in the Home (HITH), a service within Canberra Health Services, and identified that workers are not provided with suitable and adequate training prior to commencing home visits to undertake their roles safely.

This failure to deliver training to workers about matters which pertain to safety exposes workers to a risk of harm. That is because training is essential to a worker's ability to identify and manage risks in circumstances where they are conducting remote work.

Brief description of how the provision is being or has been contravened:

The basis for Inspector Claire Helmers' belief that Canberra Health Service has contravened section 19(1) in the manner described above is set out as follows:

Canberra Health Services conducts an undertaking which involves the provision of health services to the people of the Australian Capital Territory. Inspector Claire Helmers believes the responsibilities of Canberra Health Services in conducting that undertaking include the work health and safety of its workers, and persons engaged by it. This belief is held, in part, on the basis of a notifiable incident report submitted to WorkSafe in February 2025 in relation to an incident involving workers of Canberra Health Services.

Workers are exposed to a risk of harm due to undertaking work prior to completing training that the workplace has determined to be 'mandatory', regarding the nature of the work (home visits) carried out by the worker.

Inspector Claire Helmers made inquiries that identified that a HITH worker carried out home visits prior to completing mandatory training.

Workplace Officials supplied Inspector Claire Helmers an email summary of the training record for a HITH worker who had been employed within HITH for about two months. This summary, which Inspector Claire Helmers has read, showed the worker had not completed two of their six mandatory training units. The two outstanding training units were "Community Duress Device (SafeTcard) eLearning" and "Clinical Incident Management". When asked how this occurred, the HITH workers used words to the effect, it was "probably an oversight". The HITH workers further explained there was currently no system of work in place to ensure workers had completed necessary training units or competencies before attending home visits.

Inspector Claire Helmers also reviewed the supplied procedure for "Home Visiting". That document was supplied by Canberra Health Services, and states

that workers must complete appropriate training prior to conducting a home visit and training must be conducted during work areas induction and as part of ongoing refresher training.

The "Home Visiting" procedure (CHS21/554) defines the mandatory training to include:

- "OV Training – All Staff eLearning";
- "Community Duress Device (SafeTcard) eLearning";
- "Work Health & Safety Act 2011";
- "Incident Management Notification";
- "Basic Life Support";
- "Manual Handling Awareness".

Despite each of these training units being mandatory under the "Home Visiting" procedure, the worker had not completed all mandatory training units before undertaking multiple home visits.

This indicates the absence of a system of work which ensures the mandatory training units are completed prior to the performance of remote work.

The absence of such a system of work fails to ensure, so far as is reasonably practicable, the health and safety of workers in that the delivery of training provides workers information necessary to enable them to safely undertake their role.

The circumstances that make it likely that the contravention will continue or be repeated is that Canberra Health Services had awareness of two occurrences of violence and aggression in February 2025 and is yet to maintain a safe system of work for mandatory training related to "home visits". This exposes workers to a risk to their health and safety.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as is reasonably practicable, that:

- (1) You provide appropriate training to all affected workers prior to them carrying out home visits.
- (2) You implement a system of work which ensures the appropriate trainings are completed prior to a worker conducting a home visit.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider:

- (1) Confirming that you are in receipt of this Improvement Notice via email to Claire.Helmerts@worksafe.act.gov.au.
- (2) Emailing Claire.Helmerts@worksafe.act.gov.au to provide evidence of compliance with the notice prior to the day by which the person is required to remedy the contravention.
- (3) The following reference tools:

Work Health and Safety Act 2011, particularly section 19. (<https://legislation.act.gov.au/View/a/2011-35/current/html/2011-35.html>)

Work Health and Safety (Managing Psychosocial Hazards at Work Code of Practice) Approval 2023. (<https://www.legislation.act.gov.au/View/ni/2023-482/current/html/2023-482.html>)

Work Health and Safety (Managing the Work Environment and Facilities Code of Practice) Approval 2020, particularly section 4.2. (<https://legislation.act.gov.au/View/ni/2020-551/current/html/2020-551.html>)

Work Health and Safety (How to Manage Work Health and Safety Risks Code of Practice) Approval 2020. (<https://legislation.act.gov.au/View/ni/2020-547/current/html/2020-547.html>)

Issuing Details

Issued by: Claire Helmerts

ID number: P32675

Date issued: 17/03/2025

Service method: Email

Notice emailed to: dave.peffer@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Extension of time for compliance with improvement notices

If a person has been issued with an improvement notice, they may contact the inspector who issued this notice, or email worksafe@act.gov.au to apply for an extension of time to comply with that notice. This must be done within the compliance period which ends at midnight on the due date stated in the notice. An inspector may, by written notice given to the person, extend the compliance period for the improvement notice. However, the inspector may extend the compliance period only if the period has not ended.

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the Work Health and Safety Act 2011 and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the Information Privacy Act 2014. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax:(02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE

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You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
 Head of Directorate name: Dave Pepper
 ABN: 82049056234
 ACN:
 Trading As: The Canberra Hospital
 Address: Yamba Drive, Garran, ACT, 2605
 Due Date: 1 April, 2025

Details of contravention:

Site location: Yamba Drive, Garran ACT 2605

I, Inspector Claire Helmers, formed a reasonable belief on 11 March 2025 about 11am that Canberra Health Services (ABN 82 049 056 234) has contravened section 19(1) of the Work Health and Safety Act 2011 (ACT), in circumstances that make it likely the contravention will continue or be repeated.

Section 19(1) states that a person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of workers engaged or caused to be engaged by the person while the workers are at work in the business or undertaking.

Canberra Health Services, as the person conducting a business or undertaking (PCBU), has a duty to provide any necessary information, training, and instruction to workers to enable them to undertake their roles safely.

Inspector Claire Helmers made inquiries with workers in supervisory roles from Hospital in the Home (HITH), a service within Canberra Health Services, and received information that workers are not provided with suitable and adequate information, training, and instruction in relation to the operation of duress systems to undertake their roles safely.

Duress systems are an important control measure for remote workers.

The contravention of section 19(1) exposes workers to a risk of harm. The absence of information, training and instruction on the use of the duress system delays assistance (rescue, medical assistance, and the attendance of emergency services workers) in hazardous situations exposing workers to a continuing risk of physical or psychological injury.

Brief description of how the provision is being or has been contravened:

The basis for Inspector Claire Helmers' belief that Canberra Health Service has contravened section 19(1) in the manner described above is set out as follows:

Canberra Health Services conducts an undertaking which involves the provision of health services to the people of the Australian Capital Territory. Inspector Claire Helmers believes the responsibilities of Canberra Health Services in conducting that undertaking include the work health and safety of its workers, and persons engaged by it. This belief is held, in part, on the basis of a notifiable incident report submitted to WorkSafe in February 2025 in relation to an incident involving workers of Canberra Health Services.

Inspector Claire Helmers made inquiries that identified that the HITH service requires workers to attend patient's homes to provide medical care. This requires workers to undertake work in unfamiliar, remote, and sometimes isolated circumstances. HITH workers explained that workers will generally attend by themselves, however, may attend with a second worker in some circumstances such as during the evening or if a worker is a novice.

Inspector Claire Helmers read a document supplied by Canberra Health Services, which described the procedure for "Home Visiting". On the face of that document, a critical implemented control for personal safety during home visits is the use of a Community Duress Device, namely the SafeTcard

Inspector Claire Helmers also read a procedure named "Community Duress Device" supplied by Canberra Health Services, in relation to the SafeTcard.

Inspector Claire Helmers had a conversation with HITH workers about the SafeTcard. That conversation revealed that the workers do not receive adequate and suitable training and instruction in relation to:

1. how to use the SafeTcard;
2. how to tell when it has been activated;
3. the different types of activation (e.g. "red alert" versus "man down");

During the conversation, workers provided explanations which were inconsistent with the contents of the "Community Duress Device" procedure. The extent of the discrepancies in understanding was consistent with a failure to provide information, training and instruction necessary to protect workers from the risks associated with their work.

As an example of the discrepancies described in the proceeding paragraph, some workers from HITH expressed a belief that activation of the SafeTcard would prompt a light. In fact, the "Community Duress Device" procedure explains activation will be demonstrated by a message on a screen, followed by vibrations at 10 second intervals for the duration of the alert. An additional "beep" will occur in the instance of a "man down" alert.

The "Home Visiting" procedure states that if the duress device cannot be used for any reason then each work area must have an identified and recorded code word or sentence that can be used to indicate duress, and that this code word/sentence must be communicated to all team members prior to conducting home visits.

Inspector Claire Helmers identified that the "Community Duress Device" procedure specifies that the community duress device, namely the SafeTcard, is not allowed to be activated without the consent of the patient. Therefore, the use of the code word/sentence is particularly relevant where consent by the patient to use SafeTcard has not or cannot be provided.

Inspector Claire Helmers discussed the use of code words with HITH workers. Those workers explained that historically they had used a particular code word to indicate duress. HITH workers further explained that this was not enforced and due to lack of use, newly commenced workers were no longer informed about it, and therefore would not know what to do if another worker used it.

The establishment of known and consistent code words is an important aspect of the duress system, which alerts others to the existence of a hazardous situation (in circumstances where there may be a serious risk of harm). The absence of known and consistent code words is consistent with the PCBU's failure to ensure the provision of information, training and instruction about a duress system, necessary to protect them from risks to their health and safety. The circumstances that make it likely that the contravention will continue or be repeated is that Canberra Health Services had awareness of two occurrences of violence and aggression in February 2025 and is yet to implement a safe system of work for responding to duress. This exposes workers to a risk to their health and safety.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as is reasonably practicable, that you provide training, and instruction about your workplace duress system (device and code word) to all workers engaged within HITH, who may be directed or required to perform remote work.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider:

- (1) Confirming that you are in receipt of this Improvement Notice via email to Claire.Helmerts@worksafe.act.gov.au.
- (2) Emailing Claire.Helmerts@worksafe.act.gov.au to provide evidence of compliance with the notice prior to the day by which the person is required to remedy the contravention.
- (3) The following reference tools:
Work Health and Safety Act 2011, particularly section 19. (<https://legislation.act.gov.au/View/a/2011-35/current/html/2011-35.html>)
Work Health and Safety (Managing Psychosocial Hazards at Work Code of Practice) Approval 2023. (<https://www.legislation.act.gov.au/View/ni/2023-482/current/html/2023-482.html>)
Work Health and Safety (Managing the Work Environment and Facilities Code of Practice) Approval 2020, particularly section 4.2. (<https://legislation.act.gov.au/View/ni/2020-551/current/html/2020-551.html>)
Work Health and Safety (How to Manage Work Health and Safety Risks Code of Practice) Approval 2020 (<https://legislation.act.gov.au/View/ni/2020-547/current/html/2020-547.html>)

Issuing Details

Issued by: Claire Helmers
ID number: P32675
Date issued: 17/03/2025

Service method: Email

Notice emailed to: dave.peffer@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

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Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Extension of time for compliance with improvement notices

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Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

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Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax:(02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
Head of Directorate name: Chief Executive Officer
ABN: 82049056234
ACN:
Trading As: The Canberra Hospital
Address: Yamba Drive, Garran, ACT, 2605
Due Date: 23 May, 2025

Details of contravention:

Site location: Building 19, The Canberra Hospital, Garran ACT 2605

I, Inspector Jenny Nguyen, reasonably believe on Friday 14 March 2025 about 12:00 pm that Canberra Health Services, trading as Cancer and Ambulatory Support division, is contravening section 19 (1), of the Work Health and Safety Act 2011, and section 34 of the Work Health and Safety Regulation 2011.

Canberra Health Services, as the person conducting a business or undertaking, has not ensured, so far as is reasonably practicable, the health and safety of the workers at the workplace because they have not identified any reasonably foreseeable psychosocial hazards that could give rise to risks to health and safety.

Identification of hazards is the first critical step in the risk management process at any workplace.

Brief description of how the provision is being or has been contravened:

At about 1:00 pm on Tuesday 07 January 2025, WorkSafe ACT inspectors Jenny Nguyen and Claire Helmers carried out a workplace visit at Cancer and Ambulatory Support located at Building 19 The Canberra Hospital Yamba Drive Garran ACT 2605.

Thereafter, inspectors requested certain information and documents from the workplace, including a copy of 'Cancer and Ambulatory Support risk register detail report' utilised to record the risk management process at the workplace (including identification of hazards, assessment of the associated risks, implementation of control measures, and review of control measures for effectiveness).

On a review of the risk register, inspector Nguyen identified that the risk register contained 5 risks that mainly recorded and controlled the risks to patients' health and safety.

On further review of the risk register, inspector Nguyen identified that it does not include any of the 14 recognised psychosocial hazards outlined in the ACT Work Health and Safety (Managing Psychosocial Hazards at Work Code of Practice) Approval 2023 (the Code), which came into effective in November 2023. This is despite many of these hazards being reasonably foreseeable or known by the person conducting a business or undertaking. For example, the person conducting a business or undertaking has awareness of allegations of psychosocial hazards related to job characteristics, design, management and harmful behaviours within the workplace, however on review of the risk register, the inspector was unable to locate any risks and hazards entry for 'job demands', 'lack of role clarity', 'traumatic events or material', and 'bullying and harassment' from others towards workers (all of which are recognised psychosocial hazards outlined in the Code).

Reasonably foreseeable and known psychosocial hazards at the workplace have not been controlled, so far as reasonably practicable, utilising minimum standard risk management methods as set out in the Code.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as is reasonably practicable, that you:

(1) Identify any reasonably foreseeable psychosocial hazards at your workplace and include them in your workplace risk management system. (For example, the workplace risk register.)

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider:

(1) Confirming that you are in receipt of this Improvement Notice via email to JennyK.Nguyen@worksafe.act.gov.au.

(2) Emailing JennyK.Nguyen@worksafe.act.gov.au to provide evidence of compliance with the notice prior to the day by which the person is required to remedy the contravention.

(3) The following reference tools:

The Work Health and Safety Act 2011, particularly section 19.

(<https://legislation.act.gov.au/View/a/2011-35/current/html/2011-35.html>)

The Work Health and Safety Regulation 2011, particularly Part 3.1 of the Work Health and Safety Regulation 2011

(<https://legislation.act.gov.au/View/sl/2011-36/current/html/2011-36.html>)

Work Health and Safety (Managing Psychosocial Hazards at Work Code of Practice) Approval

2023.(<https://www.legislation.act.gov.au/View/ni/2023-482/current/html/2023-482.html>)

Work Health and Safety (Work Health and Safety Consultation, Cooperation and Coordination Code of Practice) Approval

2023.(<https://www.legislation.act.gov.au/View/ni/2023-632/current/html/2023-632.html>)

Work Health and Safety (How to Manage Work Health and Safety Risks Code of Practice) Approval 2020. (Work Health and Safety (How to Manage Work Health and Safety Risks Code of Practice) Approval 2020 | Notifiable instruments).

If you cannot comply with the Directions within the compliance period, contact the issuing inspector prior to day stated for compliance with this Improvement Notice. If attempts have been made to comply with the Directions or the Directions are unable to be met the inspector may, by written notice given to the person, extend the compliance period for the improvement notice. However, the inspector may extend the compliance period only if the period has not ended (s194 Work Health and Safety Act 2011).

Issuing Details

Issued by: Jenny Nguyen

ID number: P60771

Date issued: 19/03/2025

Service method: Email

Notice emailed to: dave.peffer@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

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Compliance with direction or notice

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Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

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Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

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Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE EXTENSION

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You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
 Head of Directorate name: Chief Executive Officer
 ABN: 82049056234
 ACN:
 Trading As: The Canberra Hospital
 Address: Yamba Drive, Garran, ACT, 2605

Details of contravention:

Site location: Building 19, The Canberra Hospital, Garran ACT 2605

I, Inspector Jenny Nguyen, reasonably believe on Friday 14 March 2025 about 12:00 pm that Canberra Health Services, trading as Cancer and Ambulatory Support division, is contravening section 19 (1), of the Work Health and Safety Act 2011, and section 34 of the Work Health and Safety Regulation 2011.

Canberra Health Services, as the person conducting a business or undertaking, has not ensured, so far as is reasonably practicable, the health and safety of the workers at the workplace because they have not identified any reasonably foreseeable psychosocial hazards that could give rise to risks to health and safety.

Identification of hazards is the first critical step in the risk management process at any workplace.

Brief description of how the provision is being or has been contravened:

At about 1:00 pm on Tuesday 07 January 2025, WorkSafe ACT inspectors Jenny Nguyen and Claire Helmers carried out a workplace visit at Cancer and Ambulatory Support located at Building 19 The Canberra Hospital Yamba Drive Garran ACT 2605.

Thereafter, inspectors requested certain information and documents from the workplace, including a copy of 'Cancer and Ambulatory Support risk register detail report' utilised to record the risk management process at the workplace (including identification of hazards, assessment of the associated risks, implementation of control measures, and review of control measures for effectiveness).

On a review of the risk register, inspector Nguyen identified that the risk register contained 5 risks that mainly recorded and controlled the risks to patients' health and safety.

On further review of the risk register, inspector Nguyen identified that it does not include any of the 14 recognised psychosocial hazards outlined in the ACT Work Health and Safety (Managing Psychosocial Hazards at Work Code of Practice) Approval 2023 (the Code), which came into effective in November 2023. This is despite many of these hazards being reasonably foreseeable or known by the person conducting a business or undertaking. For example, the person conducting a business or undertaking has awareness of allegations of psychosocial hazards related to job characteristics, design, management and harmful behaviours within the workplace, however on review of the risk register, the inspector was unable to locate any risks and hazards entry for 'job demands', 'lack of role clarity', 'traumatic events or material', and 'bullying and harassment' from others towards workers (all of which are recognised psychosocial hazards outlined in the Code).

Reasonably foreseeable and known psychosocial hazards at the workplace have not been controlled, so far as reasonably practicable, utilising minimum standard risk management methods as set out in the Code.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as is reasonably practicable, that you:

- (1) Identify any reasonably foreseeable psychosocial hazards at your workplace and include them in your workplace risk management system. (For example, the workplace risk register.)

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider:

- (1) Confirming that you are in receipt of this Improvement Notice via email to JennyK.Nguyen@worksafe.act.gov.au.
- (2) Emailing JennyK.Nguyen@worksafe.act.gov.au to provide evidence of compliance with the notice prior to the day by which the person is required to remedy the contravention.
- (3) The following reference tools:

The Work Health and Safety Act 2011, particularly section 19.

(<https://legislation.act.gov.au/View/a/2011-35/current/html/2011-35.html>)

The Work Health and Safety Regulation 2011, particularly Part 3.1 of the Work Health and Safety Regulation 2011

(<https://legislation.act.gov.au/View/sl/2011-36/current/html/2011-36.html>)

Work Health and Safety (Managing Psychosocial Hazards at Work Code of Practice) Approval

2023.(<https://www.legislation.act.gov.au/View/ni/2023-482/current/html/2023-482.html>)

Work Health and Safety (Work Health and Safety Consultation, Cooperation and Coordination Code of Practice) Approval

2023.(<https://www.legislation.act.gov.au/View/ni/2023-632/current/html/2023-632.html>)

Work Health and Safety (How to Manage Work Health and Safety Risks Code of Practice) Approval 2020. (Work Health and Safety (How to Manage Work Health and Safety Risks Code of Practice) Approval 2020 | Notifiable instruments).

If you cannot comply with the Directions within the compliance period, contact the issuing inspector prior to day stated for compliance with this Improvement Notice. If attempts have been made to comply with the Directions or the Directions are unable to be met the inspector may, by written notice given to the person, extend the compliance period for the improvement notice. However, the inspector may extend the compliance period only if the period has not ended (s194 Work Health and Safety Act 2011).

Issuing Details

Issued by: Jenny Nguyen

ID number: P60771

Date issued: 16/05/2025

Service method: Email

Notice emailed to: dave.peffer@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the Work Health and Safety Act 2011 and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the Information Privacy Act 2014. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450

IMPROVEMENT NOTICE

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
ABN: 82049056234
Address: ,
Compliance Date: 24/6/2025

Details of contravention:

Site location: 2 Bowes Street Phillip ACT 2606

I, Danielle Grant, formed a reasonable belief on 10th April 2025 at about 11:30am that Canberra Health Services (CHS) is contravening a provision of the Work Health and Safety Act 2011, being section 19 (1). Section 19 (1) states that a person conducting a business or undertaking (PCBU) must ensure, so far as is reasonably practicable, the health and safety of workers engaged or caused to be engaged by the person while the workers are at work in the business or undertaking. As further outlined in the definitional section 19 (3) (c), without limiting section 19 (1), a PCBU must ensure, so far as is reasonably practicable, the provision and maintenance of safe systems of work. Additionally, the Work Health and Safety Regulation 2011 section 38 requires the PCBU to review control measures for new hazards and risks identified and when there is a change at the workplace affecting the health and safety of workers. CHS, as the PCBU, has failed to adequately assess risks and consult with workers when there has been a change to a work process (staffing within teams) that impacts their health and safety. This exposes workers to physical and psychological injury risks.

Brief description of how the provision is being or has been contravened:

Inspectors attended a meeting with CHS PCBU representatives on 10 April 2025 in response to complaints made relating to staffing and workload issues. During inquiries with the workplace, it was found that between October 2024 and 10 April 2025 219 recruitment requests (requisition request) were rejected. Some reasons provided by the PCBU representatives for deciding not to undertake a recruitment activity included that some of the roles had not been filled for some time and were not required, budgetary restraints and organisational restructure. The impacts on the workers and relevant workgroups have been reported to WorkSafe ACT to include excessive workload, workers reporting to be exhausted and 'stretched', workers reporting burn out, fatigue and increased verbal abuse from consumers. During inquiries with PCBU representatives it was found that the PCBU intends to conduct risk assessments on rejected recruitment requests and had recently created a template "recruitment risk assessment" and supporting guidance flowchart titled "Guidance to support decision making for CHS recruitment". These templates fail to adequately assess risks, specifically: -

The flowchart titled "Guidance to support decision making for CHS recruitment" asks the senior manager to seek advice from the health and safety representative (HSR) and human resources business partner (HRBP) but does not provide guidance to ensure workers whose health and safety may be affected by the rejected role requisition are consulted (Work Health and Safety Act 2011, section 47). -

The "recruitment risk assessment" template does not allow for risks to be individually assessed, and "financial risks" are grouped with "work health and safety risks" and "workforce risks". The risk assessment is given an overarching risk rating which is not reflective of the actual risk to workers. For example, within section "B. work health and safety risks", the resultant risk of patient care quality being reduced with staffing shortages compared with non-compliance with WHS legislation would have vastly different consequences. Thus, changing their resultant risk ratings and subsequent actions required. -Within the template "recruitment risk assessment", there is no direction on next steps when the action/strategy is not accepted. At the time of inquiries, evidence was unable to be produced to demonstrate that the risk assessments had been completed consistently or that there was a systematic way consultation had occurred with affected workers or work groups. As evidenced through inquiries with the PCBU regarding rejected roles not filled, the PCBU was unable to demonstrate that risks of not filling these roles had been assessed and controlled. It is my reasonable belief that workers are exposed to the psychosocial hazards of high job demands, poor organisational change management and poor support. Ongoing exposure to these psychosocial hazards causes workers prolonged and excessive stress which can cause physical or psychological injury when carrying out their roles.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: (it is mandatory to comply with these directions)

You must ensure, so far as is reasonably practicable, that: (1) In consultation with relevant workers, you review and update the "recruitment risk assessment" and flowchart titled "Guidance to support decision making for CHS recruitment" to ensure risks are assessed individually and affected workers are consulted (2) Complete recruitment risk assessments for relevant roles, or groups of roles, that had a requisition request/s rejected since October 2024 A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice.

Recommendations (if any): (it is not an offence not to comply with these recommendations)

That you consider: (1) Confirming that you are in receipt of this Improvement Notice via email to danielleg.grant@worksafe.act.gov.au. (2) Emailing danielleg.grant@worksafe.act.gov.au to provide evidence of compliance with the notice prior to the day by which the person is required to remedy the contravention. (3) The following reference tools: Work Health and Safety Act 2011, particularly sections 19 and 47. (<https://legislation.act.gov.au/View/a/2011-35/current/html/2011-35.html>) Work Health and Safety Regulation 2011, particularly Part 3.1 Managing risks to health and safety (<https://www.legislation.act.gov.au/View/sl/2011-36/current/html/2011-36.html>) Work Health and Safety Regulations 2011, particularly Part 3.1 Managing risks to health and safety (<https://www.legislation.act.gov.au/View/sl/2011-36/current/html/2011-36.html>) Work Health and Safety (How to Manage Work Health and Safety Risks Code of Practice) Approval 2020 (<https://legislation.act.gov.au/View/ni/2020-547/current/html/2020-547.html>)



Notice Number: IMN-0000000681

Issuing Details

Issued by: Danielle Grant

ID number: P51515

Date Issued: 29/4/2025

Service method: Email

Notice emailed to: annaliesha.flynn@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions, you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Extension of time for compliance with improvement notices

If a person has been issued with an improvement notice, they may contact the inspector who issued this notice, or email worksafe@act.gov.au to apply for an extension of time to comply with that notice. This must be done within the compliance period which ends at midnight on the due date stated in the notice.

An inspector may, by written notice given to the person, extend the compliance period for the improvement notice. However, the inspector may extend the compliance period only if the period has not ended.

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au. You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
Head of Directorate name: Chief Executive Officer
ABN: 82049056234
ACN:
Trading As: The Canberra Hospital
Address: Yamba Drive, Garran, ACT, 2605
Due Date: 6 June, 2025

Details of contravention:

Site location: The Canberra Hospital, Garran ACT 2605

I, Inspector Jenny Nguyen, reasonably believe on 20 March 2025 at approximately 2:00 pm that Canberra Health Services is contravening a provision of the Work Health and Safety Act 2011, being section 19 (1). Section 19 (1) states that a person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of workers engaged or caused to be engaged by the person while the workers are at work in the business or undertaking.

The person conducting a business or undertaking has not ensured the maintenance of a safe system of work for reporting notifiable incidents.

Brief description of how the provision is being or has been contravened:

As evidenced by inquiries with workers in the management team the workplace has not maintained the information, training and instruction provided to workers in relation to reporting of notifiable incidents to the regulator. This includes suspected or confirmed sexual assault incidents whereby, as of 9 June 2023, all sexual assault incidents (including suspected sexual assault incidents), became notifiable in the ACT.

While the workplace has an awareness of its duty to notify the ACT Work Health and Safety regulator, namely WorkSafe ACT, it has not adequately maintained the information, training and instruction for the reporting of notifiable incidents to all workers. For example, the workplace advised that they have provided a specific WHS course for their managers and supervisors which outlines the definitions and processes for reporting notifiable incidents, including the death of a person, serious injuries or illnesses, and dangerous incidents. However, this document does not include sexual assault incidents as notifiable incidents.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, as far as is reasonably practicable, that you:

Review and update the information, training and instruction within the WHS course for managers and supervisors to ensure that all notifiable incidents, including sexual assault incidents, are reported to the regulator as soon as becoming aware of any incident.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

1. Confirm that you are in receipt of this Improvement Notice via email to jennyk.nguyen@worksafe.act.gov.au.
2. In complying with the directions, refer to the following reference tools:

WHS Act 2011 Section 19 "Primary Duty of Care"

WHS Act 2011 Part 3 "Incident Notification"

WHS Act 2011 Section "27 Duty of officers"

<https://www.worksafe.act.gov.au/health-and-safety-portal/notify-worksafe>.

3. Contact the issuing Inspector jennyk.nguyen@worksafe.act.gov.au and provide evidence of compliance with the above directions.

4. A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice.

Issuing Details

Issued by: Jenny Nguyen

ID number: P60771

Date issued: 09/05/2025

Service method: Email

Notice emailed to: dave.peffer@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Extension of time for compliance with improvement notices

If a person has been issued with an improvement notice, they may contact the inspector who issued this notice, or email worksafe@act.gov.au to apply for an extension of time to comply with that notice. This must be done within the compliance period which ends at midnight on the due date stated in the notice. An inspector may, by written notice given to the person, extend the compliance period for the improvement notice. However, the inspector may extend the compliance period only if the period has not ended.

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the Work Health and Safety Act 2011 and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the Information Privacy Act 2014. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



IMPROVEMENT NOTICE

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
 Head of Directorate name: Chief Executive Officer
 ABN: 82049056234
 ACN:
 Trading As: The Canberra Hospital
 Address: Yamba Drive, Garran, ACT, 2605
 Due Date: 27 June, 2025

Details of contravention:

Site location: The Canberra Hospital, Garran ACT 2605

I, Inspector Jenny Nguyen, reasonably believe on Tuesday 29 April 2025 at approximately 02:00 pm that Canberra Health Service (CHS), Home Assessment and Acute Response Team (HAART) is contravening a provision of the Work Health and Safety Act 2011, section 19 (1), and a provision of the Work Health and Safety Regulation 2011, section 34.

Canberra Health Services, as the person conducting a business or undertaking, has not ensured, so far as is reasonably practicable, the health and safety of the workers at the workplace because they have not identified any reasonably foreseeable psychosocial hazards that could give rise to risks to health and safety.

Identification of hazards is the first critical step in the risk management process at any workplace.

Brief description of how the provision is being or has been contravened:

On Wednesday 23 October 2024 at approximately 11:00 am, Worksafe ACT Inspectors Jenny Nguyen and Jesse Parker carried out a workplace visit at Canberra Health Service, Home Assessment and Acute Response Team (HAART) and Police Ambulance and Clinician Early Response (PACER).

Thereafter, inspectors inquired into certain information and documents from the workplace regarding their risk management process. Information and documents received from the workplace include:

1. CHS Enterprise Risk Register – Detailed Report at 9 April 25
2. MHJHADS Operational Risk Register – Detailed Report at 9 April 25
3. Item 4.1 T3 Risk Register – MHJHADS – ACMHS Updated 17 March 2025
4. CHS Work Health and Safety Management System
5. Risk Management Toolkit

Inquiries with the workplace and review of the above documents revealed that:

1. There are 3 tiers of risk registers within CHS, namely Enterprise Risk Register, Operational (Divisional) Risk Registers and Local/Sub-Divisional Risk Registers. According to the workplace, the risk registers have been utilised for the following purposes:

- Tier 1 Enterprise Risk Register is used to capture risks that could prevent CHS from delivering on strategic plans and priorities.
- Tier 2 Operational Risk Registers are used to capture risks that could affect CHS' ability to deliver on CHS divisional business plans and achieve requirements of the national safety and quality health service standards.
- Tier 3 Sub-Divisional WHS Risk Registers are intended to provide a live radar of the WHS risks relevant to work units.

A review of the above risk registers identified that collectively, these documents do not include all 14 recognised psychosocial hazards outlined in the ACT Work Health and Safety (Managing Psychosocial Hazards at Work Code of Practice) Approval 2023 (the Code), which came into effective in November 2023. This is despite many of these hazards being reasonably foreseeable or known by the person conducting a business or undertaking.

2. Further review of the Item 4.1 T3 Risk Register – MHJHADS – ACMHS Updated 17 March 2025 identified the following:

- The Tier 3 Risk Register – MHJHADS – ACMHS Updated 17 March 2025 captured the risks and their source/causes (How/why can it happen?) in accordance with the work locations and units, such as Program Wide, Belconnen, City, Woden, Access, HAART, ACOS, MHLINK, etc.
- Further review of the risk management process at HAART identified that the workplace had not followed minimum standard risk management methods as set out in the Managing Psychosocial Hazard at Work Code of Practice 2023 (ACT) to ensure, so far as reasonably practicable, i.e. identifying all reasonably foreseeable hazards, assessing the risks associated with each hazard, implementing control measures to eliminate or minimise the risks, and reviewing control measures for effectiveness.
- Whilst the inspector was able to infer several psychosocial hazards from the 'risk' and 'source/causes' sections within the Tier 3 Risk Register – MHJHADS – ACMHS Updated 17 March 2025, such as job demands, lack of role clarity, traumatic events or material, and violence and aggression. The workplace risk register does not include all 14 recognised psychosocial hazards outlined in the ACT Work Health and Safety (Managing Psychosocial Hazards at Work Code of Practice) Approval 2023 (the Code), which came into effective in November 2023. This is despite many of these hazards being reasonably foreseeable, or known by the person conducting a business or undertaking. For example, the person conducting a business or undertaking has awareness of allegations of psychosocial hazards related to remote or isolated work, conflict or poor workplace relationships or interactions, bullying, and harassment including sexual harassment or gender-based harassment.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, so far as is reasonably practicable, that you:

Refer to the Part 3.1 of the Work Health and Safety Regulation 2011 and the ACT Work Health and Safety (Managing Psychosocial Hazards at Work Code of Practice) Approval 2023 to identify all reasonably foreseeable psychosocial hazards at your workplace and include them in your workplace risk management system. (For example, the workplace risk register.)

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider:

- (1) Confirming that you are in receipt of this Improvement Notice via email to JennyK.Nguyen@worksafe.act.gov.au.
- (2) Emailing JennyK.Nguyen@worksafe.act.gov.au to provide evidence of compliance with the notice prior to the day by which the person is required to remedy the contravention.
- (3) The following reference tools:

The Work Health and Safety Act 2011, particularly section 19.

(<https://legislation.act.gov.au/View/a/2011-35/current/html/2011-35.html>)

The Work Health and Safety Regulation 2011, particularly Part 3.1 of the Work Health and Safety Regulation 2011

(<https://legislation.act.gov.au/View/sl/2011-36/current/html/2011-36.html>)

Work Health and Safety (Managing Psychosocial Hazards at Work Code of Practice) Approval

2023.(<https://www.legislation.act.gov.au/View/ni/2023-482/current/html/2023-482.html>)

Work Health and Safety (Work Health and Safety Consultation, Cooperation and Coordination Code of Practice) Approval

2023.(<https://www.legislation.act.gov.au/View/ni/2023-632/current/html/2023-632.html>)

Work Health and Safety (How to Manage Work Health and Safety Risks Code of Practice) Approval 2020. (Work Health and Safety (How to Manage Work Health and Safety Risks Code of Practice) Approval 2020 | Notifiable instruments).

Issuing Details

Issued by: Jenny Nguyen

ID number: P60771

Date issued: 09/05/2025

Service method: Email

Notice emailed to: dave.peffer@act.gov.au

Improvement Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom an improvement notice is issued must comply with the notice within the period specified in the notice.

Maximum penalty:

- (a) in the case of an individual—\$50 000; or
- (b) in the case of a body corporate—\$250 000

Extension of time for compliance with improvement notices

If a person has been issued with an improvement notice, they may contact the inspector who issued this notice, or email worksafe@act.gov.au to apply for an extension of time to comply with that notice. This must be done within the compliance period which ends at midnight on the due date stated in the notice. An inspector may, by written notice given to the person, extend the compliance period for the improvement notice. However, the inspector may extend the compliance period only if the period has not ended.

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Improvement notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the Work Health and Safety Act 2011 and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the Information Privacy Act 2014. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an improvement notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the Improvement notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450

PROHIBITION NOTICE

This is a Prohibition Notice issued under section 195 of the Work Health and Safety Act 2011

Information

Notice number N-0000001519

Issued By: Jodie FLETCHER

ID number: P05554

To whom this notice is issued

Name of registered company: The Canberra Hospital ABN: 0000000000

Registered Address: suburb: state: postcode:

Site address: Yamba Drive suburb: Garran state: ACT postcode: 2600

Method of service: Email

Served on: Nicole Slater

Date of issue: 01/06/2021

A verbal instruction was issued on:

31/05/2021 12:05 PM

Description

The provision that the inspector believes is being, or is likely to be, contravened by the activity (s196(1)(c)) is **WHS**

Regulations Section number - **150**

You are prohibited from carrying on the following activity, or the carrying on of the activity in a specified way:

Using blood warming machine with Serial Number BU1200021 and ACT HEALTH Assest number 517589.

until the inspector is satisfied that the matters that give or will give rise to the risk have been remedied (s195(2)).
The inspector reasonably believes that grounds for the issue of this notice exist (s195(1)), i.e. (a) an activity is occurring at a workplace that involves, or will involve, a serious risk to the health or safety of a person emanating from an immediate exposure to a hazard; or (b) an activity may occur at a workplace that, if it occurs, will involve a serious risk to the health or safety of a person emanating from an immediate or imminent exposure to a hazard.

Basis for belief (s196(1)(a))

Blood warming machine with Serial Number BU1200021 and ACT HEALTH Assest number 517589 malfunctioned and poses risk of serious injury to workers and others.

Briefly, the activity that the inspector believes involves or will involve the risk, and the matters that gave or will give rise to the risk (s196(1)(b))

Using blood warming machine with Serial Number BU1200021 and ACT HEALTH Assest number 517589.

This Notice may include directions concerning the measures to be taken to remedy the risk or contravention. You must comply with the direction

Have a competent person assess the blood warming machine with Serial Number BU1200021 and ACT HEALTH Assest number 517589 and make any necessary repairs.
Provide outcome/report to Inspector Fletcher.

The inspector recommends that you:

In complying with this direction you may wish to refer to the Work Health and Safety(Managing Electrical Risks at the Workplace) Code of Practice Approval 2015.

See over for important information on your rights and responsibilities.

Prohibition Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom a Prohibition notice is issued must comply with the notice (s197). The maximum penalty for failing to comply with this requirement is \$100,000 for an individual or \$500,000 for a corporation.

Regulator may carry out action

If a person to whom a prohibition notice is issued fails to take reasonable steps to comply with the notice, and after giving written notice of its intentions and the persons liability for the costs, the regulator (WorkSafe ACT) may take any remedial action it believes reasonable to make the workplace or situation safe (s 211). The regulator may then recover the reasonable costs of taking this remedial action (s213).

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Prohibition notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the *Work Health and Safety Act 2011* and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies.

WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the *Information Privacy Act 2014*. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days. You may also make an application for the reviewer to stay the operation of the Prohibition notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: Worksafe @act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

PROHIBITION NOTICE

This is a Prohibition Notice issued under section 195 of the Work Health and Safety Act 2011

Information

Notice number N-0000003789

Issued By: Matt DAVIS

ID number: P32662

To whom this notice is issued

Name of registered directorate: Canberra Health Services ABN: 000000000

Registered Address: suburb: state: postcode:

Site address: 30 Mugga Lane suburb: Symonston state: ACT postcode: 2609

Method of service: Personal

Served on: Dave Pepper

Date of issue: 14/04/2022

A verbal instruction was not issued.

Description

The provision that the inspector believes is being, or is likely to be, contravened by the activity (s196(1)(c)) is **WHS Acts** Section number - **19(3)**

You are prohibited from carrying on the following activity, or the carrying on of the activity in a specified way:

Dhulwa Mental Health facility workers are prohibited from undertaking any planned high-risk interactions/activity with consumers without ensuring all potential occupational violence hazards have been identified and risks has been assessed with control measures implemented as per Chapter 3 of the Work Health and Safety Regulations 2011.

until the inspector is satisfied that the matters that give or will give rise to the risk have been remedied (s195(2)). The inspector reasonably believes that grounds for the issue of this notice exist (s195(1)), i.e. (a) an activity is occurring at a workplace that involves, or will involve, a serious risk to the health or safety of a person emanating from an immediate exposure to a hazard; or (b) an activity may occur at a workplace that, if it occurs, will involve a serious risk to the health or safety of a person emanating from an immediate or imminent exposure to a hazard.

Basis for belief (s196(1)(a))

Canberra Health Services is the PCBU under section 19 of Work Health and Safety Act for the worksite, Dhulwa Mental Health Facility, that provides mental health treatment to a range of consumers. The PCBU has a duty under section 19 (3) (c) to provide and maintain a safe system of work. On the 11 April 2022 at approximately 17:45 pm Inspectors were shown CCTV footage of a consumer physically assaulting a member of staff resulting in treatment by ambulance. On observing the footage I formed a reasonable belief that section 19 3 (c) of the Work Health and Safety Act was contravened in that the control measures in place for the Occupational Violence hazard associated with the work conducted at the facility failed to protect the

worker. The risk to which the worker was exposed was both physical and psychological.

A person conducting a business or undertaking must ensure,
so far as is reasonably practicable—
(c) the provision and maintenance of safe systems of work to prevent occupational violence.

Briefly, the activity that the inspector believes involves or will involve the risk, and the matters that gave or will give rise to the risk (s196(1)(b))

Staff interacting with consumers.

This Notice may include directions concerning the measures to be taken to remedy the risk or contravention. You must comply with the direction

Put in place a system of work that eliminates or where not reasonably practicable, minimises the risk of occupational violence and reduces the risk of physical and psychosocial injury to workers.

The inspector recommends that you:

It is recommended that a risk assessment is developed for all high risk interactions with consumers that ensures the WHS hazards are identified and the risks are eliminated where reasonably practicable; and where this is not reasonably practicable, the risks are minimised so far as reasonably practicable using the hierarchy of controls.

See over for important information on your rights and responsibilities.

Prohibition Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom a Prohibition notice is issued must comply with the notice (s197). The maximum penalty for failing to comply with this requirement is \$100,000 for an individual or \$500,000 for a corporation.

Regulator may carry out action

If a person to whom a prohibition notice is issued fails to take reasonable steps to comply with the notice, and after giving written notice of its intentions and the persons liability for the costs, the regulator (WorkSafe ACT) may take any remedial action it believes reasonable to make the workplace or situation safe (s 211). The regulator may then recover the reasonable costs of taking this remedial action (s213).

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A Prohibition notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

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Review of this *Work Health and Safety Act* notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days. You may also make an application for the reviewer to stay the operation of the Prohibition notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au

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The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court. Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: Worksafe @act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450



PROHIBITION NOTICE

This notice is issued under section 195 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom a prohibition notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice. Failure to comply may incur a maximum penalty of \$100, 000 for an individual and \$500, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: ACT Health
 ABN: 88407290295
 ACN:
 Trading As: ACT Government Health
 Address: 25 Mulley, Holder, ACT, 2611

Details of serious risk:

Site location: 37 Kingsmill Street, Kambah ACT 2902

You are prohibited from carrying out work activities in the administration area an the 'The Village Creek Centre' building where the Territory Wide Surgical Services team operate from. It has been identified that a hazard of exposure (unknown origin) is potentially occurring, causing a risk to workers for them likely to become ill.

Basis for inspector's belief:

I Brad Barrett reasonably believe that on 27/11/2023 2:45 PM that you contravened a provision of the Work Health and Safety Act 2011, section 19 (3) (a). Persons were/are exposed to serious risk to their health and safety due to the risk of exposure to a potential airborne contaminant. It was observed onsite that, the workplace has air monitoring in the administration area to determine the potential hazard. However to further eliminate the risk of exposure to workers, persons must be relocated until such time the area is deemed safe by the Occupational Hygienist and HVAC technicians or competent persons.

Directions on the measures to be taken to remedy the risk, activities or matters or the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must so far as reasonably practicable that you,

1. Remove workers, conducting activities in the administration area to control the risk of potential exposure until the investigation and reporting has been finalised by the Hygienist.
2. Provide evidence (the report) to the issuing inspector, that the air monitoring has been completed and a report has been made.
3. Have the HVAC system assessed and a report made detailing that airflow and ventilation is adequate for the work space.

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

Please contact the inspector who issued this notice to confirm that the uncontrolled risk has been remedied.

Issuing Details

Issued by: Brad Barrett
 ID number: P39354

Date issued: 28/11/2023

Service method: Email

Notice emailed to: andrew.w.mitchell@act.gov.au

Prohibition Notice issued under section 191 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

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Compliance with direction or notice

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Regulator may carry out action

If a person to whom a prohibition notice is issued fails to take reasonable steps to comply with the notice, and after giving written notice of its intentions and the persons liability for the costs, the regulator (WorkSafe ACT) may take any remedial action it believes reasonable to make the workplace or situation safe (s 211). The regulator may then recover the reasonable costs of taking this remedial action (s213).

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Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A prohibition notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

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Review of this Work Health and Safety Act notice

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The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



PROHIBITION NOTICE

This notice is issued under section 195 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom a prohibition notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice. Failure to comply may incur a maximum penalty of \$100, 000 for an individual and \$500, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: Canberra Health Services
Head of Directorate name: Dave Pepper
ABN: 82049056234
ACN:
Trading As: The Canberra Hospital
Address: Yamba Drive, Garran, ACT, 2605

Details of serious risk:

Site location: Yamba Drive, Garran ACT 2605

As the person who has control over the delivery of health care services to the Australian Capital Territory (ACT), carried out by Canberra Health Services workers, you are prohibited from the carrying on of home visits (the activity) unless the activity is carried out in the manner specified by this notice (Directions).

Workers are exposed to a serious risk to their health and safety emanating from an immediate or imminent exposure to the psychosocial hazard ‘violence and aggression’, because they are required to carry out home visits in circumstances where the hazard is reasonably foreseeable, or known, and not being effectively controlled.

Basis for inspector’s belief:

I, Inspector Claire Helmers, reasonably believe on 11 March 2025 about 11:00 AM, Canberra Health Services is contravening section 19(1) of the Work Health and Safety Act 2011 (ACT), (Primary Duty of Care).

Inspector Claire Helmers received information in relation to two serious incidents that occurred during home visits carried out by Canberra Health Services. The circumstances of both home visits involved a serious risk to the health and safety of workers emanating from an immediate or imminent exposure to a psychosocial hazard ‘violence and aggression’. Both situations resulted in physical and psychological harm to the affected workers and had serious potential to result in the death of a person, or the serious injury or illness of a person.

Following notification of those incidents, Inspector Claire Helmers conducted inquiries into the systems of work at Canberra Health Services pertaining to the remote or isolated work performed by workers at its direction. Those inquiries revealed:

- Canberra Health Services conducts an undertaking which involves the provision of health services to the people of the ACT. Inspector Claire Helmers believes the responsibilities of Canberra Health Services in conducting that undertaking include the work health and safety of its workers, and persons engaged by it. This belief is held, in part, on the basis of notifiable incident reports submitted to WorkSafe in February 2025 in relation to incidents involving workers of Canberra Health Services.
- Canberra Health Services requires workers (including within the Hospital in the Home (“HITH”) and Belconnen Community Recovery Service (“BCRS”)) to attend patient’s homes to provide medical care. This requires workers to undertake work in unfamiliar, remote, and sometimes isolated circumstances. HITH workers explained that they will generally attend by themselves, however, may attend with a second worker in some circumstances such as during the evening or if a worker is a novice;

- Canberra Health Services does not have an adequate system in place to provide information, training and instruction about the duress system to workers performing remote or isolated work (including as to the use of the duress device and the backup method of using code words);
- The use of code words in connection with an imminent hazard is inconsistent, such that the code word used by a worker may not be understood by the person receiving it;
- The system of work implemented by CHS does not ensure workers performing remote or isolated work have been trained in the use of the duress device system prior to performing work at Canberra Health Services' direction at remote or isolated locations;
- Canberra Health Services does not maintain a system of work which monitors the location of workers in real time, such that they can be easily located in the event of an emergency;
- Under the system of work implemented by Canberra Health Services, the PCBU may only initiate contact with workers to check on their welfare 30-60 minutes after their expected return time. Under the existing system of work, throughout that intervening period, Canberra Health Services is unaware of the workers location or welfare, and unaware of any incident (not relayed by the ineffective duress system or through reliance on the worker making contact);
- Workers are instructed not to use the duress device without the consumer's consent. In some circumstances, seeking the consent of a consumer during a heightened encounter may further escalate the situation leading to further violence and aggression against the worker. The requirement to seek consent of a consumer who is deploying violence (or on the verge of it) impedes or delays the delivery of assistance by Canberra Health Services.
- The duress device is unreliable and ineffective in that it fails to accurately identify the location of the worker who has activated it;
- The system surrounding the duress device is ineffective in that the ARC operators who are alerted to the activation of the duress device rely upon potentially out of date contact information for nominated people within Canberra Health Services responsible for responding to the situation; and
- The risk assessments conducted by Canberra Health Services are ineffective in that they largely depend on the voluntary provision of information by consumers (which is not independently verified), and which is not systematically updated. The questions eliciting information to inform the risk assessment are vague, assume the consumer understands the context for asking those questions and do not always evoke responses that result in hazards being identified.

Inspector Claire Helmers believes each of the matters described above, individually and collectively, create a hazardous situation, where the psychosocial hazard 'violence and aggression' is not being controlled so far as is reasonably practicable during the activity.

This hazard involves a serious risk to the health and safety of workers, as evident in the two notifications received by WorkSafe ACT in the month of February 2025 that exposed workers to a risk of physical and psychological harm.

Inspector Claire Helmers reasonably believes Canberra Health Services is continuing to direct workers to perform remote or isolated work without suitable control measures in place. Due to the nature of the service Canberra Health Services provides, Inspector Claire Helmers believes the activity of remote or isolated visits may continue to occur.

Directions on the measures to be taken to remedy the risk, activities or matters or the contravention or likely contravention: *(it is mandatory to comply with these directions)*

Prior to directing workers to carry out home visits, Canberra Health Services must risk assess as per Part 3.1 of the Work Health and Safety Regulation 2011. Home visits may only be carried out where there is evidence that the remote or isolated nature of the activity (including violence and aggression) has been adequately risk assessed, effectively controlled, systems maintained, all controls implemented and functioning, and workers are able to be located and monitored for their safety.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

That you consider:

(1) Confirming that you are in receipt of this Prohibition Notice via email to Claire.Helmerts@worksafe.act.gov.au.

(2) The following reference tools:

Work Health and Safety Act 2011, particularly section 19. (<https://legislation.act.gov.au/View/a/2011-35/current/html/2011-35.html>)

Work Health and Safety (Managing Psychosocial Hazards at Work Code of Practice) Approval 2023. (

<https://www.legislation.act.gov.au/View/ni/2023-482/current/html/2023-482.html>)

Work Health and Safety (Managing the Work Environment and Facilities Code of Practice) Approval 2020, particularly section 4.2. (

<https://legislation.act.gov.au/View/ni/2020-551/current/html/2020-551.html>)

Work Health and Safety (How to Manage Work Health and Safety Risks Code of Practice) Approval 2020.

(<https://legislation.act.gov.au/View/ni/2020-547/current/html/2020-547.html>)

Issuing Details

Issued by: Claire Helmers

ID number: P32675

Date issued: 18/03/2025

Service method: Email

Notice emailed to: dave.peffer@act.gov.au

Prohibition Notice issued under section 195 of the Work Health and Safety Act 2011 - further information

If you have any questions you may contact the inspector who issued this notice.

Display of Notices

A person to whom a notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace, at which work is being carried out that is affected by the notice (s 210(1)). A person must not intentionally remove, destroy, damage or deface a notice displayed under s 210(1) while the notice is in force (s 210(2)). The maximum penalty for failing to comply with these provisions is \$5,000 for an individual or \$25,000 for a corporation.

Compliance with direction or notice

The person to whom a prohibition notice is issued must comply with the notice (s197). The maximum penalty for failing to comply with this requirement is \$100,000 for an individual or \$500,000 for a corporation.

Regulator may carry out action

If a person to whom a prohibition notice is issued fails to take reasonable steps to comply with the notice, and after giving written notice of its intentions and the persons liability for the costs, the regulator (WorkSafe ACT) may take any remedial action it believes reasonable to make the workplace or situation safe (s 211). The regulator may then recover the reasonable costs of taking this remedial action (s213).

Contents of Notice

This Notice may state one or more of the following: (a) a workplace, or part of a workplace, at which the activity is not to be carried out; (b) anything that is not to be used in connection with the activity; (c) any procedure that is not to be followed in connection with the activity (s196(3)).

Directions and recommendations

A direction may refer to a code of practice and may offer the person a choice of ways in which to remedy the contravention (s 204). A prohibition notice may include recommendations. It is not an offence to fail to comply with recommendations in a notice (s205).

Changes to notice by inspector

An inspector may make minor changes to a notice for clarification, to correct errors or references, or to reflect changes of address or other circumstances (s206).

Privacy statement

WorkSafe ACT may obtain personal information about you in connection with this notice. The information may be collected and stored using the powers, and to carry out functions or activities, under the Work Health and Safety Act 2011 and related work safety laws. Under that Act, the information can be disclosed to other ACT Government agencies or non-government organisations, and other Australian work safety enforcement agencies. WorkSafe ACT is obliged to handle your information openly, transparently and in accordance with the Territory Privacy Principles set out in the Information Privacy Act 2014. For more information about how WorkSafe ACT will collect, use, share, and store your personal information and how you can access and correct the information, please see the Privacy Statement at www.act.gov.au/privacy.

Review of this Work Health and Safety Act notice

If you have any questions or need more information you may contact the inspector who issued this notice, or email worksafe@act.gov.au.

You, or another person whose interests are affected by the decision, may apply for an internal review of the decision to issue this notice.

A review may be sought within 14 days, or in the case of an prohibition notice within the compliance date period specified in the notice, whichever is lesser. You may also make an application for the reviewer to stay the operation of the prohibition notice.

Please ensure you include the notice number in your application for a review, together with the applicant's name and address, and the reason you are seeking the review.

An application for a review can be made in writing to: The Work Health and Safety Commissioner WorkSafe ACT, GPO Box 158 Canberra City ACT 2601 or by email: worksafe@act.gov.au.

You may then seek a review of an internal reviewer's decision in the ACT Civil and Administrative Tribunal (ACAT). Information about that process can be found at www.acat.act.gov.au.

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax: (02) 6205 0336

Translating and Interpreting Service

Phone: 131 450

Canberra Health Services**To:** Minister for Health

Tracking No.: MCHS22/385

Date: 9 June 2022**CC:** Dave Pepper, Chief Executive Officer**From:** Colm Mooney, Acting Deputy Chief Executive Officer**Subject:** Minister's Weekly Brief – 6 – 10 June 2022**Critical Date:** 10/06/2022**Critical Reason:** To ensure you are briefed on current issues and events

DCEO .../.../...

Recommendations

That you note the information contained in the Minister's Weekly Brief – 6 – 10 June 2022.

Noted / Please Discuss

Rachel Stephen-Smith MLA/...../.....

Minister's Office Feedback

KEY TOPICS/EMERGING ISSUES

[REDACTED]

[REDACTED]

Dhulwa OV Incidents and WorkSafe Improvement Notices

A draft action plan detailing safety improvement activity is almost complete and is expected to be sent for consultation in the next week with feedback invited from staff and unions. Once finalised, this plan will be a key document used by WorkSafe to measure progress against the Improvement Notice and the Prohibition Notice.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Callum Offices expected WorkSafe Improvement Notice or Notices

WorkSafe visited Child and Adolescent Mental Health Services (CAMHS) at Callum Offices in response to anonymous concerns raised by staff regarding risks to staff and consumers by this building.

Issues identified by the WorkSafe Inspector include consumers accessing several locations of significant height and risks of self-harm or misadventure causing serious injury or worse. Other issues were also discussed including confidentiality of discussion and access to disability toilet. One or more Improvement Notices are expected to be issued to Canberra Health Services (CHS) regarding the above.

[REDACTED]

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[REDACTED]

[REDACTED]

[REDACTED]

[illegible]

Phone: 5124 4680

Phone: 5124 9564



To: Minister for Health

Tracking No.: MCHS22/444

Date: 23 June 2022

CC: Dave Pepper, Chief Executive Officer

From: Cathie O'Neill, Chief Operating Officer

Subject: Minister's Weekly Brief – 20 - 24 June 2022

Critical Date: 24/06/2022

Critical Reason: To ensure you are briefed on current issues and events

COO .../.../...

Recommendations

That you note the information contained in the Minister's Weekly Brief – 20 - 24 June 2022.

Noted / Please Discuss

Rachel Stephen-Smith MLA/...../.....

Minister's Office Feedback

KEY TOPICS/EMERGING ISSUES

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

ICU and Perioperative units:

A WorkSafe ACT visit is expected to ICU and perioperative unit regarding reported ongoing short staffing issues and work pressure in these work areas. An Improvement Notice may also be issued for these work units as the same issues are being presented as ED.

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OFFICIAL

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Signatory Name: Cathie O'Neill
Chief Operating Officer

Phone: 5124 2147

Action Officer: Josephine Smith
Executive Branch Manager
Strategy and Governance

Phone: 5124 9564

Canberra Health Services**To:** Minister for Health

Tracking No.: MCHS22/851

Date: 17 November 2022**CC:** Dave Pepper, Chief Executive Officer**From:** Janet Zagari, Deputy Chief Executive Officer**Subject:** Minister's Weekly Brief – 14 to 18 November 2022**Critical Date:** 18 November 2022**Critical Reason:** To ensure you are briefed on current issues and events

- DCEO .../.../...

Recommendation

That you note the information contained in the Minister's Weekly Brief – 14 to 18 November 2022.

Noted / Please Discuss

Rachel Stephen-Smith MLA/...../.....

Minister's Office Feedback

[REDACTED]

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WorkSafe activity and engagement

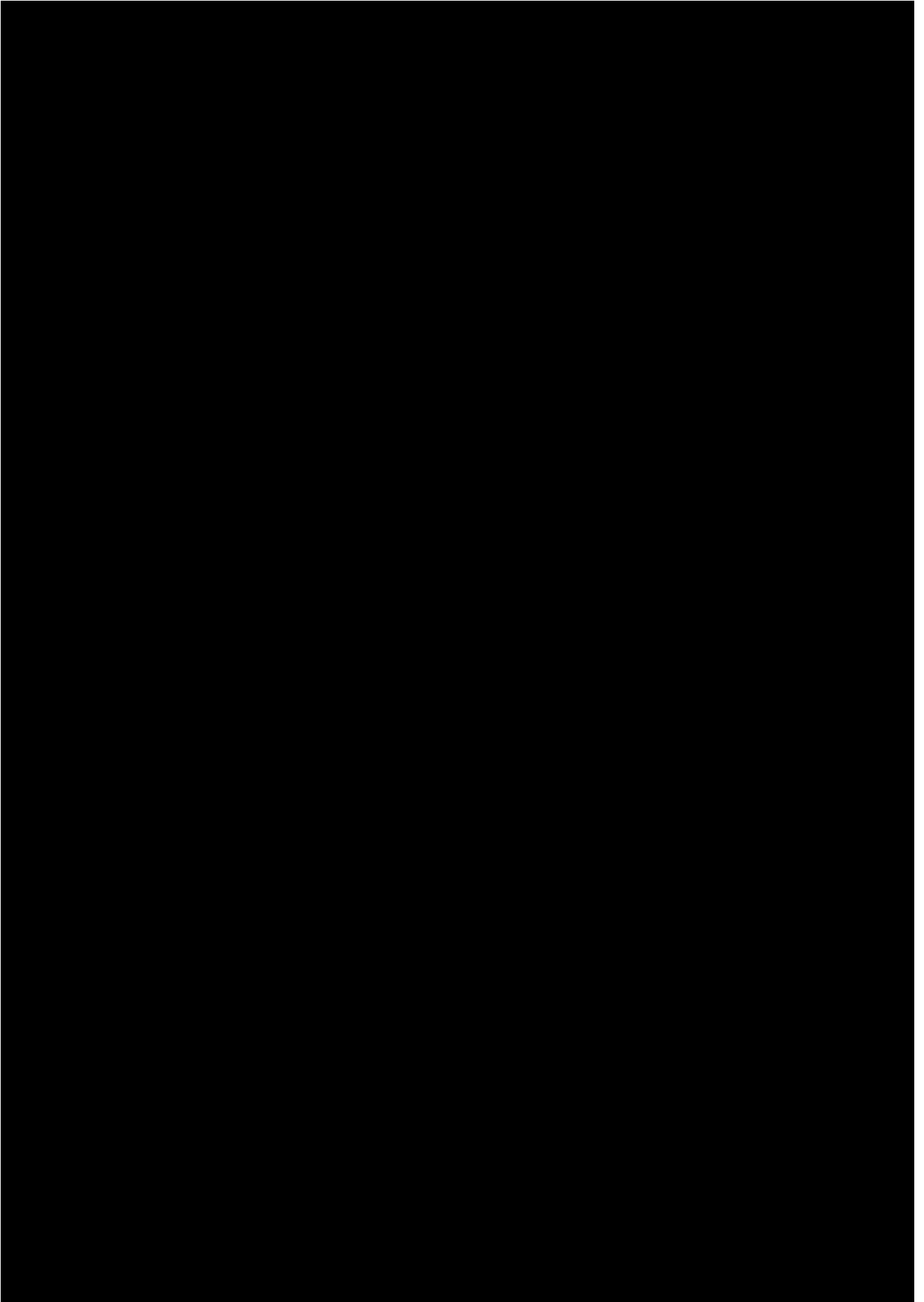
There are currently eight active WorkSafe Notices. Four of the notices relate to the Emergency Department and four notices relate to Dhulwa Mental Health Unit.

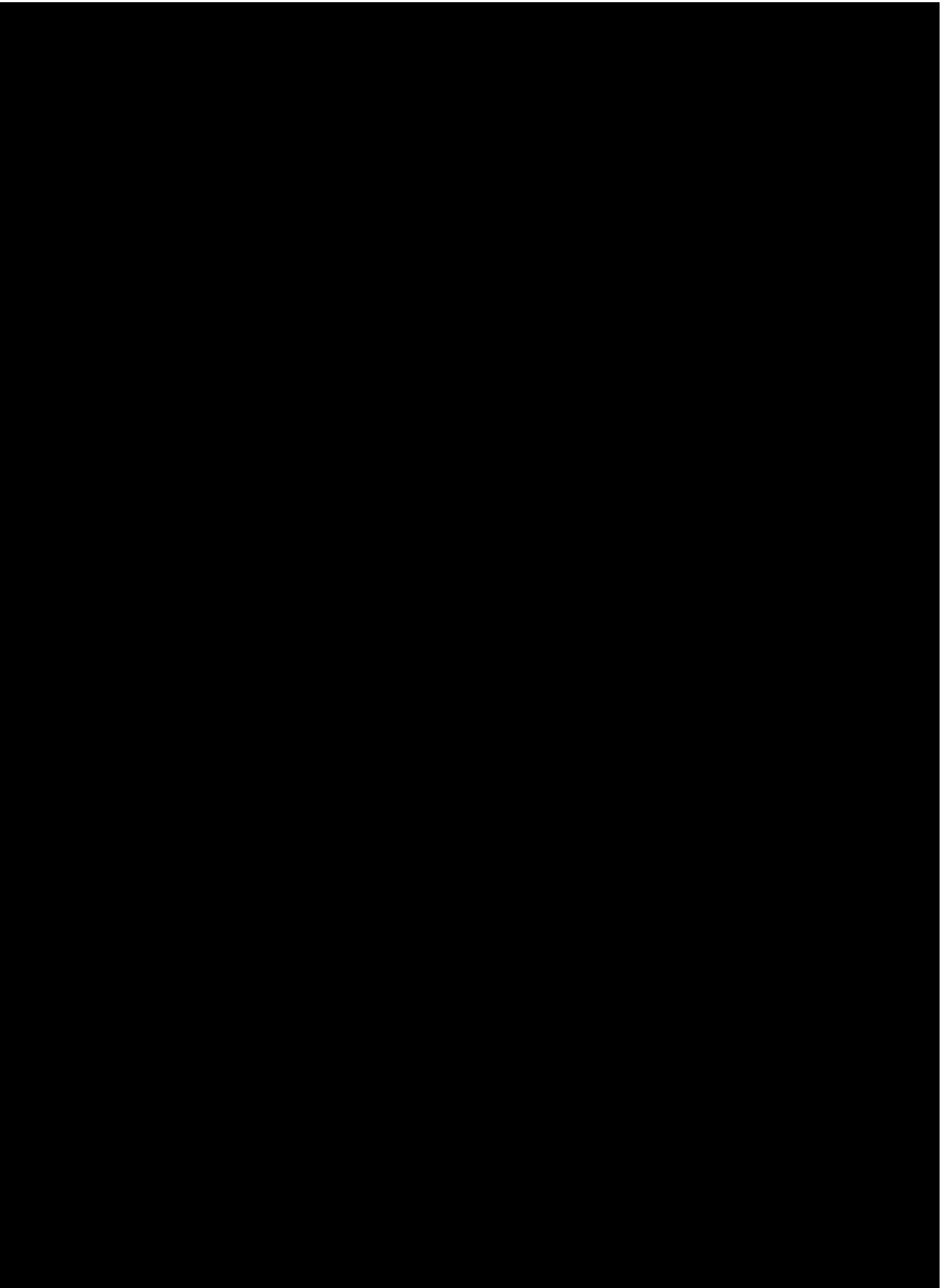
[REDACTED]

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OFFICIAL

Signatory Name:	Janet Zagari Deputy Chief Executive Officer	Phone:	5124 8737
Action Officer:	Josephine Smith Executive Branch Manager Strategy and Governance	Phone:	5124 9564

Canberra Health Services**To:** Minister for Health

Tracking No.: MCHS22/873

Date: 25 November 2022**CC:** Dave Pepper, Chief Executive Officer**From:** Janet Zagari, Deputy Chief Executive Officer**Subject:** Minister's Weekly Brief – 21 to 25 November 2022**Critical Date:** 25/11/2022**Critical Reason:** To ensure you are briefed on current issues and events

- DCEO .../.../...

Recommendation

That you note the information contained in the Minister's Weekly Brief – 21 to 25 November 2022.

Noted / Please Discuss

Rachel Stephen-Smith MLA/...../.....

Minister's Office Feedback

[REDACTED]

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WorkSafe Notices

There are currently seven active WorkSafe Notices.

Three notices are from Emergency Department (ED):

- Two Notices relating to how management engages with workers when requesting staff to work additional shifts, and agreed methods for Work Health Safety communication and consultation.
- One Notice specific to the ED recruitment systems and processes.

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]

Signatory Name: Kalena Smitham
Acting Deputy Chief Executive Officer

Phone: 5124 8737

Action Officer: Kate Schorsch
Business Manager
Office of the Deputy Chief Executive

Phone: 5124 9564

Canberra Health Services**To:** Minister for Health

Tracking No.: MCHS22/896

Date: 1 December 2022**CC:** Dave Pepper, Chief Executive Officer**From:** Janet Zagari, Deputy Chief Executive Officer**Subject:** Minister's Weekly Brief – 28 November to 2 December 2022**Critical Date:** 2 December 2022**Critical Reason:** To ensure you are briefed on current issues and events

- DCEO .../.../...

Recommendation

That you note the information contained in the Minister's Weekly Brief –
28 November to 2 December 2022.

Noted / Please Discuss

Rachel Stephen-Smith MLA/...../.....

Minister's Office Feedback

KEY TOPICS/EMERGING ISSUES

[illegible]

WorkSafe Improvement Notices

There are currently seven active Improvement Notices. As of 30 November 2022, CHS has responded to all.

OFFICIAL

The Emergency Department (ED) has a total of three active Improvement Notices:

- Two Notices relating to how Management engages with workers when requesting staff to work additional shifts, and agreed methods for Work Health Safety communication and consultation
- One Notice specific to the ED recruitment systems and processes

A verbal update will be given at the briefing on Monday 5 December 2022.

Signatory Name:	Janet Zagari	Phone:	5124 8737
	Deputy Chief Executive Officer		

Action Officer:	Brittany Kent	Phone:	5124 9461
	Executive Officer		
	Office of the Deputy Chief Executive		

SENSITIVE

To: Rachel Stephen-Smith MLA, Minister for Health

Through: Janet Zagari, Deputy Chief Executive Officer

Subject: WorkSafe notification of injured staff member

TRIM No: MCHS23/545

- On Friday 1 September 2023 at 14:26, a Wardsperson working within the Canberra Hospital Emergency Department, De-escalation Suite was significantly injured during their work.
- Injuries sustained include dental avulsion and a fractured nasal bone, which require subsequent surgical intervention and ongoing dental input.
- ACT Policing was contacted at the time of the incident and attended promptly to control the situation with the assistance of Canberra Health Services (CHS) Security Teams.
- The staff member was immediately assessed by an Emergency Physician and a treatment plan enacted for his physical injuries.
- A Riskman notification was raised by Ward Services at the time of incident and the Acting Executive Director Medicine and Executive Director Nursing Midwifery Patient Support Services were informed of the incident.
- The ED Leadership Team and the Acting Director of Patient Support Services organised immediate rapid debriefing to staff involved.
- Psychological support services continue to be available to clinical teams as required.
- Daily contact has been made with the injured staff member to ensure he is psychologically supported.

Learnings and Process Outcome:

- A formal notification to WorkSafe was not made at the time of the incident, as the focus was on immediate care of clinical staff.
- A reminder will be communicated to Executive and Senior leadership regarding Work Health and Safety (WHS) notifiable incident requirements, including ensuring within any incident discussion that delegation of the notification be confirmed and transparent to all stakeholders.

- The Emergency Department will review the incident via their Quality Assurance process to identify any issues that could have contributed to the event.
- CHS WHS and WorkSafe are conducting a complete review today. CHS will consider all recommendations from this review, including any changes to process or physical layout that might contribute to a safer workplace.

Noted/Please Discuss

.....
Rachel Stephen-Smith MLA
Minister for Health

Contact Officer: Rebekah Ogilvie, Acting Executive Director Emergency
Contact Number: [REDACTED]
Date: 06 September 2023

From: [CHS DLO](#)
To: [CHS, Government Relations](#)
Subject: Worksafe/Home Visiting TPs - Cleared by DCEO
Date: Tuesday, 8 April 2025 9:57:24 AM

OFFICIAL

Home visits and staff safety

- CHS conducts about 120,000 home visits a year across a range of services, ranging from maternal and child health visits to mental health outreach.
- In the past year there have been 43 reported incidents of Occupational Violence on CHS team members who have undertaken those visits and CHS has been clear that is 43 too many.

Safety incidents

- There were two serious incidents involving CHS team members during home visits in the first few months of this year.
- Both these incidents resulted in injury to CHS team members.
- CHS won't be providing further detail on these incidents due to privacy.

WorkSafe ACT

- CHS has been working closely with WorkSafe ACT to ensure they have the best possible strategies in place to keep the health workforce safe.
- Providing a safe working environment is CHS' number one priority.
- WorkSafe ACT issued CHS with five improvement notices on 17 March 2025 and one prohibition notice on 18 March 2025 relating to home visits.

Three improvement notices were due to be completed by 1 April 2025 and have since been lifted by WorkSafe ACT as CHS has demonstrated the required improvement. These included:

1. Home Visit Risk Assessment tool- The development and implementation of the Home Visit Risk Assessment which enables accurate and contemporary information to be considered as part of the assessment.
2. Training in-line with the Home Visiting Procedure- Ensure appropriate training to all affected workers prior to them carrying out home visits and implement a system of work which ensures the appropriate trainings are completed prior to a worker conducting a home visit; and
3. Community Duress Device - ensure training and instruction about the current duress system (device and code word) to all workers engaged within HITH.

Two other improvement notices are due to be completed by 29 April 2025 and are on track for completion by the due date.

The prohibition notice remains in place and evidence will be provided to Worksafe ACT on 11 April 2025.

A further unrelated improvement notice was issued to CHS on 19 March 2025 regarding a risk management system in relation to monitoring psychosocial hazards, however this is not specific to home visiting. This improvement notice is due 19 May 2025 and on track to be completed.

- The five improvement notices specific to home visiting relate to:
 - You must develop and implement a safe system of work in relation to remote and isolated work, inclusive of home visits, that ensures effective communication with the worker to effectively monitor their health and safety, and respond in a timely manner to any incidents, hazards or risks that arise.
- The five improvement specific to home visiting relate to:
 - You develop and implement a safe system of work in relation to remote and isolated work, inclusive of home visits, that ensures effective communication with the worker to effectively monitor their health and safety, and respond in a timely manner to any incidents, hazards or risks

that arise.

- You must ensure, so far as is reasonably practicable, that:
 - (1) You develop and implement a safe system of work including an effective duress device system which ensures the health and safety of workers engaged by Canberra Health Services and who perform remote work.
 - (2) You provide information, training, and instruction about the new duress device system to all workers who are required to perform remote work.
- You must ensure, so far as is reasonably practicable, that you provide training, and instruction about your workplace duress system (device and code word) to all workers engaged within HITH, who may be directed or required to perform remote work.
- You must ensure, so far as is reasonably practicable, that: You develop and implement a safe system of work for risk assessing each home visit independently which enables accurate and contemporary information to be considered as part of the assessment.
- You must ensure, so far as is reasonably practicable, that:
 - (1) You provide appropriate training to all affected workers prior to them carrying out home visits.
 - (2) You implement a system of work which ensures the appropriate trainings are completed prior to a worker conducting a home visit.
- The prohibition notice states:
 - Prior to directing workers to carry out home visits, Canberra Health Services must risk assess as per Part 3.1 of the Work Health and Safety Regulation 2011. Home visits may only be carried out where there is evidence that the remote or isolated nature of the activity (including violence and aggression) has been adequately risk assessed, effectively controlled, systems maintained, all controls implemented and functioning, and workers are able to be located and monitored for their safety.

Potential Changes to Service Delivery

- The safety of home visits must be a shared responsibility between the occupant of that visit and CHS.
- CHS has been taking action to:
 - strengthen risk assessments;
 - require all team members to have a duress device when undertaking home visits; and
 - in some cases requiring a minimum of two team members to attend home visits.
- They have been working through actions to address the notices to put in place a further monitoring system to locate teams on home visits and ensuring all Executives are reviewing and monitoring training requirements before a team member goes on a home visit.
- CHS has worked closely with DSD to implement changes in the Digital Health Record to support this work including the home visit risk assessment form and note writing tool which has been made available in the Digital Health Record for use since 27 March 2025.
- The note writing tool called 'Dot phrase' will help document safety checks and details of home visits.
- There is a special 'Dot phrase' for Mental Health Teams to address their unique needs.
- A training video has been made available to support these changes and a feedback session will be organised within the next month.
- Staff members are encouraged to provide feedback to their manager to review and improve the form.
- During this time CHS teams have been working through plans to ensure they can continue to deliver care, while ensuring the safety of CHS staff.
- Ideally this will continue to be in the home. However, CHS will also utilise alternatives such as community-based facilities where a home visit is not feasible.

In some cases, a home visit may not occur where CHS are not able to ensure the safety of our team members.

- The impact on individual services has been and will continue to be varied.
- Any consumers who are directly impacted will be contacted directly by their treatment team.