

Timeline of events MOConnor

Case: 00218435 ACT Legislative Assembly

| Date/time | Description | Annexure |
|-------------------------------|---|------------------------------------|
| 12/08/2022 exact time unknown | Meeting for case allocation (MOConnor, NBowden, BAIford, BGrey) | Annexure 1 |
| 12/08 11:38am | Received email with complaint details (from: BAIford to: MOConnor, NBowden cc: BGrey) | Annexure 2 and Annexure 2a, 2b, 2c |
| 12/08 ~12:30pm | Discussion with BPalmer re: scheduled Workplace Visit at ACT Legislative Assembly | N/A- Recollection |
| 12/08 1:20pm | Received email with complaint details (from: BAIford to: MOConnor cc: N/A) | Annexure 3 |
| 12/08 1:57pm | Received email with complaint details from BAIford (to: MOConnor, NCalvert, cc: N/A) | Annexure 4 and Annexure 4a |
| 12/08/2022 1:56pm – 3:57pm | Workplace visit at ACT Legislative Assembly re: complaint in relation to uncontrolled Covid-19 risk for Estimates Hearing (MOConnor, NCalvert, TDuncan, MClough, ABraddock) | Annexure 5 |
| 12/08 1:52pm – 1:53pm | Phone call to TDuncan re: arrival at Legislative Assembly | Annexure 6 |
| 12/08 2:38pm- 2:50pm | Phone call to BAIford re: | Annexure 7 |
| 12/08 3:04pm | Attempted to call ABraddock re: attendance required for WorkSafe ACT enquiries. no answer | Annexure 8 |
| 12/08 3:38pm | Prohibition notice issued verbally to ABraddock (MOConnor, NCalvert) | Annexure 5 |
| 12/08 3:41pm | Received txt message from BAIford asking how things are going | Annexure 9 |

| | | | |
|-------------------------------|-------------------------|---|--------------|
| | 12/08 3:43pm | Missed phone call from BAlford | Annexure 10 |
| | 12/08 3:47pm | Phone call to BAlford re: returning missed call + provided update on Workplace visit | Annexure 11 |
| 12/08/2022 exact time unknown | | Meeting for case debrief (MOConnor, NCalvert, BAlford) | Recollection |
| 12/08/2022 5:00pm | | Provided paper copy of email sent by CMusgrove to AGrey (MOConnor, NCalvert, AGrey, BPalmer) | Annexure 12 |
| | 12/08 5:20pm and 5:21pm | Attempted to call CMusgrove- no answer (MOConnor, NCalvert) | Annexure 13 |
| | 12/08 5:22pm | Attempted to call ABraddock- no answer (MOConnor, NCalvert) | Annexure 14 |
| 12/08/2022 6:11pm | | Prohibition notice issued via email to JBurch | Annexure 15 |
| | 12/08 6:23pm | Prohibition notice sent to ABraddock via email | Annexure 16 |
| | 12/08 6:25pm | Prohibition notice sent to TDuncan via email | Annexure 17 |
| 15/08/2022 7:22am | | Received email response to Prohibition Notice being issued (from: JBurch to: JAgius cc: JBurch, MOConnor, TDuncan) | Annexure 18 |
| 15/08/2022 08:30am - ?? | | Meeting to discuss case re: concerns that the wording in the Prohibition Notice 'prohibited activity' section doesn't clearly reflect the intent of the notice. Workplace visit organised to clarify notice intent with ACT Legislative Assembly (JAgius, BGrey, BPalmer, MOConnor) | Recollection |
| 15/08/2022 9:35am – 10:21 am | | Workplace visit at the ACT Legislative Assembly re: explained the intent of the notice regarding risk emanating from face-to-face meetings | Annexure 19 |

| | | | |
|-------------------------------|---------------|---|-----------------------------------|
| | | (MOConnor, NCalvert, BPalmer, DSkinner, MGonczarek, TDuncan, MClough) | |
| | 15/08 09:51am | Txt message from BGrey advising that we need to discuss the rewording of the notice when back in office | Annexure 20 |
| | 15/08 10:15am | Previous prohibition notice withdrawn verbally, and new Prohibition notice issued verbally (MOConnor, NCalvert, BPalmer, DSkinner, MGonczarek, MClough) | Annexure 21 |
| 15/08/2022 exact time unknown | | Meeting to discuss wording of the new prohibition notice in line with legal advice | Recollection |
| 15/08/2022 1:39pm | | Prohibition notice issued via email to JBurch | Annexure 22 |
| 15/08/2022 2:00pm-2:15pm | | All Staff Meeting- executive update on threats (all WorkSafe ACT staff) | Recollection/teams meeting invite |
| 16/08/2022 12:37pm (58s) | | Phone call from BGrey (MOConnor, BGrey) | Annexure 23 |
| 16/08 2:45pm | | Initial prohibition notice withdrawn on case management system | Salesforce 'last modified' record |
| 16/08/2022 4:06pm | | Workplace visit report sent to JBurch | Annexure 24 |
| 16/08/2022 4:33pm | | Workplace visit report sent to JBurch | Annexure 25 |
| 17/08/2022 12:11pm (31s) | | Phone call from BGrey (MOConnor, BGrey) | Annexure 26 |
| 18/08/2022 10:42am (43s) | | Phone call from BGrey (MOConnor, BGrey) | Annexure 27 |
| 18/08/2022 3:00pm – 3:15pm | | Teams meeting to discuss case progression and schedule a further WPV for tomorrow 19/08 with myself and BPalmer attending | Annexure 28 |

| | | |
|-------------------------------|---|-------------|
| 18/08/2022 3:35pm | Received email with compliance evidence (from: JBurch to: JAgius, MOConnor) | Annexure 29 |
| 18/08/2022 4:21pm | Received email response to compliance evidence (from JAgius to: JBurch, MOConnor) | Annexure 30 |
| 19/08/2022 exact time unknown | Advised that BGrey and JShepherd will be undertaking WPV today (MOConnor, BPalmer, BGrey) | Annexure 28 |
| 19/08/2022 ~12:00pm | Advised by BPalmer that Prohibition notice has now been lifted and case closed | Annexure 28 |

Annexure 1

Political → Assembly Estimate Hearing
 'We require everyone to attend in person'
 Hybrid covid model been in place since last year
 [redacted] has sent correspondence re: pressure
 Bob → expectations re: →

Clerk of office of speaker - Tom Dixon 62050191
 Speaker - Jay ~~Bart~~ Burch
 Maguire - head of standing committee → Hierarchy of controls
 Shows: Risk Assessment → Improvement (?)
 : Consultation
 : Covid model (hybrid from last year) → face to face or virtually
 Hearings on Monday (time unknown)

3pm-ish today → WPV w/ Narelle Bowden
 in relation to committee meetings.
 Received complaint (from [redacted] - don't disclose)
 reported back to senior directors (secretary work)

David Monk 62050129 Senior Director, Committee Support-Office of the Legislative Assembly

Standing Orders for (271)
 Budget Estimate Hearing
 → don't state witnesses
 can't attend via video link

1:40 meeting Committee making decision around attend
 Speak to James Milligan (?)

Annexure 2

O'Connor, Meaghan

Sent: Friday, 12 August 2022 11:38 AM
To: O'Connor, Meaghan; Bowden, Narelle
Cc: Grey, Brooke
Subject: FW: Correspondence from Minister Gentleman
Attachments: Correspondence from Minister Gentleman MLA - Select Committee on Estimates 2022-23.pdf; Signed letter to Mr Gentleman on COVID arrangements - 11 August 2022.pdf; Image (002).jpeg

Importance: High

OFFICIAL: Sensitive

Meaghan and Narelle

As discussed can you please investigate aspects of this complaint as received by the complainant in the below email to the WHS Commissioner.

Kind Regards

Bob Alford | Senior Director - Industry Compliance & Enforcement
P: 02 6205 4261 | Mobile: 0434 851139 | E: robert.alford@worksafe.act.gov.au
Office of the Work Health and Safety Commissioner
GPO Box 158 Canberra ACT 2601

WORKSAFEACT



ACT
Government

We acknowledge the traditional custodians of the ACT the Ngunnawal people, and their continuing connection to land and community. We pay our respects to them, and to the Elders both past and present.



From: Agius, Jacqueline <Jacqueline.Agius@worksafe.act.gov.au>
Sent: Thursday, 11 August 2022 5:45 PM
To: Alford, Robert <Robert.Alford@worksafe.act.gov.au>
Subject: FW: Correspondence from Minister Gentleman
Importance: High

OFFICIAL

Hi Bob

I am not sure why the attachments did not come through. They should come through now.

Cheers

Jacqueline Agius | Work Health and Safety Commissioner
| Labour Hire Licence Commissioner
Office of the Work Health and Safety Commissioner
GPO Box 158 Canberra ACT 2601

WORKSAFEACT



I acknowledge the traditional custodians of the ACT the Ngunnawal people, and their continuing connection to land and community. I pay my respect to them, and to the Elders both past and present.

From: [REDACTED]
Sent: Thursday, 11 August 2022 4:31 PM
To: Agius, Jacqueline <Jacqueline.Agius@worksafe.act.gov.au>
Cc: Grey, Amanda <Amanda.Grey@worksafe.act.gov.au>; [REDACTED]
Subject: FW: Correspondence from Minister Gentleman
Importance: High

Good afternoon Commissioner

The Minister is currently engaging with the Assembly Select Committee on Estimates regarding hearing arrangements. The committee, as outlined in their letter attached, is insisting on all witnesses appearing in person. We have significant concerns, as outlined in the Minister's response, about how the committee will meet WHS obligations in the current COVID situation. I've also attached the photo from a recent hearing that Minister refers to in his letter.

Would appreciate any further WHS advice you have on this matter.

Many thanks

[REDACTED]

From: GENTLEMAN
Sent: Thursday, 11 August 2022 2:40 PM
To: LA Committee - Estimates <LACCommitteeEstimates@parliament.act.gov.au>
Cc: BURCH <BURCH@parliament.act.gov.au>
Subject: RE: Correspondence from Minister Gentleman
Importance: High

Good afternoon

Please find attached further correspondence from Minister Gentleman regarding estimates hearing arrangements.

Regards



[Redacted]

From: LA Committee - Estimates <LACommitteeEstimates@parliament.act.gov.au>

Sent: Thursday, 11 August 2022 12:34 PM

To: GENTLEMAN <GENTLEMAN@act.gov.au>

[Redacted]

Subject: RE: Correspondence from Minister Gentleman

OFFICIAL

Good afternoon [Redacted]

Please find attached the Chair's response to Minister Gentleman's letter.

Regards,

Dr David Monk
Senior Director, Committee Support
Office of the Legislative Assembly
02 620 50129
david.monk@parliament.act.gov.au
www.parliament.act.gov.au

From: GENTLEMAN <GENTLEMAN@act.gov.au>

Sent: Thursday, 11 August 2022 12:20 PM

To: LA Committee - Estimates <LACommitteeEstimates@parliament.act.gov.au>

Subject: FW: Correspondence from Minister Gentleman

Importance: High

Good afternoon

I am following up on behalf of the Minister as we have not received a response to his letter sent on Monday. Given the urgency of this matter (hearings commence on Monday), when can we expect a response from the Chair confirming the hearing arrangements?

Regards

[Redacted]

From: GENTLEMAN

Sent: Monday, 8 August 2022 3:16 PM

To: LA Committee - Estimates <LACommitteeEstimates@parliament.act.gov.au>

Cc: BURCH <BURCH@parliament.act.gov.au>

Subject: Correspondence from Minister Gentleman

Dear Committee

Please find attached correspondence from Minister Gentleman.

Kind regards

Office of Mick Gentleman MLA
Minister for Planning and Land Management
Minister for Police and Emergency Services
Minister for Corrections
Minister for Industrial Relations and Workplace Safety
Manager of Government Business
Member for Brindabella

P: +61 6 620 50218 | Legislative Assembly Building, London Circuit, Canberra, ACT 2601 | GPO Box 1020, Canberra, ACT 2601



Meaghan O'Connor | Inspector - Psychosocial
P: 0481 475 356 | E: meaghan.o'connor@worksafe.act.gov.au
Office of the Work Health and Safety Commissioner
GPO Box 158 Canberra ACT 2601



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I acknowledge the traditional custodians of the ACT the Ngunnawal people, and their continuing connection to land and community. I pay my respect to them, and to the Elders both past and present.

Annexure 2a- 'Correspondence from Minister Gentleman MLA – Select Committee on Estimates 2022-23.pdf'



Mick Gentleman MLA
Manager of Government Business
Minister for Planning and Land Management
Minister for Police and Emergency Services
Minister for Corrections
Minister for Industrial Relations and Workplace Safety

Member for Brindabella

James Milligan MLA
Chair
Select Committee on Estimates 2022-23
ACT Legislative Assembly
CANBERRA ACT 2601
By email: LACommitteeEstimates@parliament.act.gov.au

Dear Chair *James*

I write in response to the most recent letter from the Committee concerning Estimates. I again express the Government's strong recommendation for the upcoming Budget Estimates Hearings to be offered in a hybrid manner. Hybrid attendance is warranted to permit those staff who are required to attend to choose whether they attend in person or virtually to support ongoing COVID-smart arrangements given current rates of community transmission and the uncertainty of the current situation.

The ACT Chief Health Officer continues to recommend ongoing adherence to COVID-smart behaviours such as physical distancing, mask wearing indoors and staying home when unwell. As recently as 8 August 2022, ACT Health have issued public health communications to continue to recommend mask wearing indoors. The Chief Health Officer has also extended the public health emergency in the ACT until 11:59pm on 30 September 2022 due to the uncertainty of the epidemiological situation. A hybrid offering of Budget Estimates Hearings will prevent crowding and enhance physical distancing for those attending face-to-face and reduce the burden on those staff required to implement COVID-smart controls during proceedings, such as through increased cleaning protocols of desks and equipment between staff attending the committee.

ACT Legislative Assembly London Circuit, GPO Box 3020, Canberra ACT 2601

+61 2 6205 0218 gentleman@act.gov.au

@GENTLEMANMICK

MickGentleman

mick.gentleman

The ACT Government prides itself on being an inclusive employer, where people of all backgrounds are valued, included and safe in our workplaces.

By failing to offer our staff the option to attend hearings virtually, we are excluding valued and diverse members of our workforce who may be exposed to serious risk when attending due to their personal health status, the personal health status of their loved ones, or due to their own exposure to COVID-19, from participating in the hearings. The ACT Government is obligated under the *Work Health and Safety Act (2011)* as an employer to provide safe workplaces for our staff, including those who are at increased risk of serious illness during the COVID-19 pandemic. The transmission of COVID-19 is considered a foreseeable risk during the pandemic which requires employers to implement targeted risk management strategies to eliminate or reduce the risk of infection including through measures such as hybrid attendance.

Given the rates of infection in the ACT, it would be reasonable to conclude that transmission is at least possible, or indeed likely, at an event requiring large numbers of staff from across the Canberra region to attend face-to-face, share furniture and equipment, and speak in an enclosed space for prolonged periods. Those staff attending are in critical roles from across the Service, where their absence due to illness would have significant impacts on business continuity in workforces that are already stretched due to staff absences and increased service demand. Hybrid attendance would reduce the risk of large groups of staff, or an entire team, in our critical workforces from becoming unwell or being required to reduce their movement in the community after a high-risk exposure.

Requiring face-to-face attendance may disrupt proceedings where key information is unable to be provided in a timely manner during proceedings due to the absence of staff who would have otherwise been able to participate virtually and provide information immediately. This is likely to result in a large number of questions on notice, or a requirement to schedule additional Estimates sessions, which could place additional burden on other critical business operations in both the Assembly and the Government.

Noting assurances that COVID-smart arrangements will be in place such as physical distancing, I draw your attention to evidence that suggest that members of the assembly are unaware of, or noncompliant with, COVID-smart arrangements for workplaces. For example, a recent post by Mr Peter Cain MLA on his Twitter account posted on 9 August 2022 at 5:20pm shows a photograph of the Educational and Community Inclusion Committee's inquiry. This photo demonstrates that COVID-smart arrangements are not being consistently implemented, or indeed implemented at all, in the Legislative Assembly. In the photograph there is no visible evidence of physical distancing between members, masks are not being worn, there is no hand sanitiser visible, and members appear to be gathered in an enclosed space for what appears to be a prolonged period. This indicates a very limited understanding as to what is appropriate during this period of increased risk of transmission.

As MLAs we are role models in the local and regional community, including to businesses and employers in our region. Throughout the pandemic the Assembly has taken a non-partisan approach to expressing support for the best public health advice and work health and safety responsibilities in managing the spread of COVID-19. It is incumbent upon us as leaders in the region to model and

support those public health recommendations to reduce the risk, and as an employer to ensure work health and safety obligations are met and are demonstrated to our valuable staff.

Noting rates of transmission both in the community, and in ACT Government workplaces, and the well-known impacts this has had on business continuity, workforce attendance, service delivery and workload management, I would expect members to support modes that reduce the risk to our staff and the impacts on service delivery for our community.

I look forward to hearing from you that Budget Estimates Hearings will occur in a hybrid manner to those staff who are required to be available to answer the Committee's questions.

Yours sincerely


Mick Gentleman MLA
Manager of Government Business
Minister for Industrial Relations and Workplace Safety

Cc: Speaker (burch@parliament.act.gov.au)

Annexure 2b- 'Signed letter to Mr Gentleman on COVID arrangements – 11 August 2022.pdf'



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON ESTIMATES 2022-2023

Mr James Milligan MLA (Chair), Mr Andrew Braddock MLA (Deputy Chair), Dr Marisa Paterson MLA

Mr Mick Gentleman MLA
Manager of Government Business
Legislative Assembly for the ACT
GPO Box 1020
CANBERRA ACT 2601

Dear Minister,

2022-23 Budget Estimates Hearings

Thank you for your letter of 8 August 2022 regarding arrangements for Estimates hearings.

The Committee have decided not to use budget outputs as a basis for the hearings schedule this year based on difficulties it has presented in the past. This includes the statement not being available in sufficient time for the hearings schedule to be developed. Use of budget outputs has also meant that the schedule becomes very detailed which resulted in complaints raised during the last hearings in relation to confusion about responsibilities/topics relating to particular outputs. This made it difficult for members to know what sessions to ask questions. This also meant that questions were not being able to be addressed at the time because the relevant officials were not present.

There is also the question on the appropriateness of requiring a Government document in order to effectively scrutinise the Government.

The Committee expects relevant officials to be in attendance at all times during a session in line with the administrative arrangements to avoid these problems occurring and to ensure that appropriate scrutiny is applied to the Estimates process in line with community expectations.

The Committee views COVID safety practices as a high priority and has asked the Secretariat to ensure appropriate measures have been put in place. This includes availability of hand sanitiser, disinfectant wipes and face masks, social distancing and a cleaner in the room to insure efficiency in cleaning between sessions/witnesses.

A number of rooms/spaces have been made available to facilitate social distancing with maximum numbers clearly labelled:

- In the Prince Edward Island room, up to five witnesses can be seated at the table, with 13 seats in the gallery.
- There are 18 seats in the Kinbati room and a TV for viewing proceedings: and
- There are three seats and standing room in the waiting area with a TV for viewing proceedings.

While Webex Boards were installed last week, staff are still testing and being trained in their use and this presents risks of disruption to proceedings. Overall, the Committee has decided that the hearings will be face to face where possible to provide effective scrutiny of the budget. The boards will be used as an exception

Annexure 2c- 'Image (002).jpeg'



Annexure 3 (same three attachments were attached as outlined in Annexure 2a, 2b, and 2c)

O'Connor, Meaghan

From: Alford, Robert
Sent: Friday, 12 August 2022 1:20 PM
To: O'Connor, Meaghan
Subject: FW: Correspondence from Minister Gentleman
Attachments: Correspondence from Minister Gentleman MLA - Select Committee on Estimates 2022-23.pdf; Signed letter to Mr Gentleman on COVID arrangements - 11 August 2022.pdf; Image (002).jpeg

Importance: High

OFFICIAL: Sensitive

Meaghan

Email for filing and your information.

Kind Regards

Bob Alford | Senior Director - Industry Compliance & Enforcement
P: 02 6205 4261 | Mobile: 0434 851139 | E: robert.alford@worksafe.act.gov.au
Office of the Work Health and Safety Commissioner
GPO Box 158 Canberra ACT 2601

WORKSAFEACT



ACT
Government

We acknowledge the traditional custodians of the ACT the Ngunnawal people, and their continuing connection to land and community. We pay our respects to them, and to the Elders both past and present.



From: Alford, Robert
Sent: Friday, 12 August 2022 1:19 PM
Subject: FW: Correspondence from Minister Gentleman
Importance: High

OFFICIAL: Sensitive

Please be advised that I have received your email in relation to concerns raised on the safe conduct of committee panels at the ACT Legislative Assembly during a public health emergency as extended through to 30 September 2022 by the ACT Chief Health Officer relating to COVID 19.

I note that a hybrid model has been in operation at the Assembly for all meetings, including the estimate committee hearings, that has previously had a combination of face to face and online virtual attendance.

WorkSafe ACT requires all persons conducting a business or undertaking to ensure the health and safety of all workers, visitors and others. This includes ensuring that all persons at the workplace are protected by the duty holders and the workplace is a safe and healthy environment at all times.

The *Work Health and Safety Act 2011* (the Act) and *Work Health and Safety Regulation 2011* (the Regulation) requires a person conducting a business undertaking and/or duty holder to complete the following for any task or activity undertaken at the workplace:

- A risk assessment for the planned activity must be undertaken outlining the foreseeable hazards identified – what gives rise to the risk emanating from the hazard to the health and safety.
- A duty holder in managing risks to health and safety must eliminate the risk so far as reasonably practicable. Where it is not reasonably practicable to eliminate the risk to health and safety the risk must be managed as reasonably practicable.

The Regulation requires the following process to be completed when implementing a control measure:

- Elimination of the risk must be considered as the first control measure and where the risk can be eliminated this approach must be implemented.

For example, in the situation outlined where a staff member of the ACT public service is able to attend any meeting by virtual means, it must be implemented first as an effective measure to eliminate exposure to the hazard as per the obligations pursuant to section 36 of the Regulation.

The next level of control, being substitution for controlling this identified hazard, is to have staff members also attending meetings virtually.

Furthermore, the risk assessment must be consulted with by all persons affected by the activity and their views and feedback considered and reviewed pursuant to section 47 and 48 of the Act.

At this stage WorkSafe ACT Inspectors will be seeking to obtain the risk assessment for the conduct of committee hearings at the Assembly. Should no risk assessment be available, WorkSafe ACT Inspectors will consider regulatory options to ensure compliance with the WHS Act and Regulation.

WorkSafe ACT have a number of regulatory options to ensure compliance with the Act and Regulation. This includes:

- an improvement notice can be issued to ensure all aspects of a risk assessment including consultation with workers is completed and control measures have been implemented according to the hierarchy of controls

- prohibiting the activity by way of a prohibition notice until WorkSafe ACT is satisfied that a risk assessment with appropriate control measures is implemented that suitably follows the hierarchy of controls.

Kind Regards

Bob Alford | Senior Director - Industry Compliance & Enforcement
P: 02 6205 4261 | Mobile: 0434 851139 | E: robert.alford@worksafe.act.gov.au
Office of the Work Health and Safety Commissioner
GPO Box 158 Canberra ACT 2601

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From: Agius, Jacqueline
Sent: Thursday, 11 August 2022 5:28 PM

Cc: Grey, Amanda <Amanda.Grey@worksafe.act.gov.au>; [REDACTED]
Subject: RE: Correspondence from Minister Gentleman

OFFICIAL

Dear [REDACTED]

Thank you for your email. I will forward your email to our compliance and enforcement team for assessment. This team manage complaints to our office. They will contact you about this matter shortly.

Kind regards

Jacqueline Agius | Work Health and Safety Commissioner
| Labour Hire Licence Commissioner
Office of the Work Health and Safety Commissioner
GPO Box 158 Canberra ACT 2601

WORKSAFEACT



I acknowledge the traditional custodians of the ACT the Ngunnawal people, and their continuing connection to land and community. I pay my respect to them, and to the Elders both past and present.

From: [REDACTED]
Sent: Thursday, 11 August 2022 4:31 PM
To: Agius, Jacqueline <Jacqueline.Agius@worksafe.act.gov.au>
Cc: Grey, Amanda <Amanda.Grey@worksafe.act.gov.au>; [REDACTED]
Subject: FW: Correspondence from Minister Gentleman
Importance: High

Good afternoon Commissioner

The Minister is currently engaging with the Assembly Select Committee on Estimates regarding hearing arrangements. The committee, as outlined in their letter attached, is insisting on all witnesses appearing in person. We have significant concerns, as outlined in the Minister's response, about how the committee will meet WHS obligations in the current COVID situation. I've also attached the photo from a recent hearing that Minister refers to in his letter.

Would appreciate any further WHS advice you have on this matter.

Many thanks

From: GENTLEMAN
Sent: Thursday, 11 August 2022 2:40 PM
To: LA Committee - Estimates <LACommitteeEstimates@parliament.act.gov.au>
Cc: BURCH <BURCH@parliament.act.gov.au>
Subject: RE: Correspondence from Minister Gentleman
Importance: High

Good afternoon

Please find attached further correspondence from Minister Gentleman regarding estimates hearing arrangements.

Regards

From: LA Committee - Estimates <LACommitteeEstimates@parliament.act.gov.au>
Sent: Thursday, 11 August 2022 12:34 PM
To: GENTLEMAN <GENTLEMAN@act.gov.au>



[REDACTED]
Subject: RE: Correspondence from Minister Gentleman

OFFICIAL

Good afternoon [REDACTED]

Please find attached the Chair's response to Minister Gentleman's letter.

Regards,

Dr David Monk
Senior Director, Committee Support
Office of the Legislative Assembly
02 620 50129
david.monk@parliament.act.gov.au
www.parliament.act.gov.au

From: GENTLEMAN <GENTLEMAN@act.gov.au>
Sent: Thursday, 11 August 2022 12:20 PM
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Good afternoon

I am following up on behalf of the Minister as we have not received a response to his letter sent on Monday. Given the urgency of this matter (hearings commence on Monday), when can we expect a response from the Chair confirming the hearing arrangements?

Regards

[REDACTED]

From: GENTLEMAN
Sent: Monday, 8 August 2022 3:16 PM
To: LA Committee - Estimates <LACCommitteeEstimates@parliament.act.gov.au>
Cc: BURCH <BURCH@parliament.act.gov.au>
Subject: Correspondence from Minister Gentleman

Dear Committee

Please find attached correspondence from Minister Gentleman.

Kind regards

Office of Mick Gentleman MLA
Minister for Planning and Land Management
Minister for Police and Emergency Services
Minister for Corrections

**Minister for Industrial Relations and Workplace Safety
Manager of Government Business
Member for Brindabella**

P: +61 6 620 50218 | Legislative Assembly Building, London Circuit, Canberra, ACT 2601 | GPO Box 1020, Canberra, ACT 2601



Annexure 4

O'Connor, Meaghan

From: Alford, Robert
Sent: Friday, 12 August 2022 1:57 PM
To: O'Connor, Meaghan; Calvert, Nicole
Subject: FW: Correspondence from Minister Gentleman
Attachments: Signed update - Covid - Gentleman.pdf

OFFICIAL

Meaghan and Nicole

FYI and filing.

Kind Regards

Bob Alford | Senior Director - Industry Compliance & Enforcement
P: 02 6205 4261 | Mobile: 0434 851139 | E: robert.alford@worksafe.act.gov.au
Office of the Work Health and Safety Commissioner
GPO Box 158 Canberra ACT 2601

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From: [Redacted]
Sent: Friday, 12 August 2022 1:09 PM
To: Alford, Robert <Robert.Alford@worksafe.act.gov.au>
Subject: FW: Correspondence from Minister Gentleman

Good afternoon Bob

For your awareness, the Committee has responded to Minister Gentleman with the attached. The Committee is meeting again within the next hour to discuss next steps, noting that they are also conducting community hearings into the budget throughout today.

Many thanks



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

Sent: Thursday, 11 August 2022 5:28 PM

To: [REDACTED]

Cc: Grey, Amanda <Amanda.Grey@worksafe.act.gov.au>; [REDACTED]

Subject: RE: Correspondence from Minister Gentleman

OFFICIAL

Dear [REDACTED]

Thank you for your email. I will forward your email to our compliance and enforcement team for assessment. This team manage complaints to our office. They will contact you about this matter shortly.

Kind regards

Jacqueline Agius |Work Health and Safety Commissioner
|Labour Hire Licence Commissioner

Office of the Work Health and Safety Commissioner
GPO Box 158 Canberra ACT 2601

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From: [REDACTED]

Sent: Thursday, 11 August 2022 4:31 PM

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

Cc: Grey, Amanda <Amanda.Grey@worksafe.act.gov.au>; [REDACTED]

Subject: FW: Correspondence from Minister Gentleman

Importance: High

Good afternoon Commissioner

The Minister is currently engaging with the Assembly Select Committee on Estimates regarding hearing arrangements. The committee, as outlined in their letter attached, is insisting on all witnesses appearing in person. We have significant concerns, as outlined in the Minister's response, about how the committee will meet WHS obligations in the current COVID situation. I've also attached the photo from a recent hearing that Minister refers to in his letter.

Would appreciate any further WHS advice you have on this matter.

Many thanks

[REDACTED]

[REDACTED]

From: GENTLEMAN
Sent: Thursday, 11 August 2022 2:40 PM
To: LA Committee - Estimates <LACommitteeEstimates@parliament.act.gov.au>
Cc: BURCH <BURCH@parliament.act.gov.au>
Subject: RE: Correspondence from Minister Gentleman
Importance: High

Good afternoon

Please find attached further correspondence from Minister Gentleman regarding estimates hearing arrangements.

Regards



From: LA Committee - Estimates <LACommitteeEstimates@parliament.act.gov.au>
Sent: Thursday, 11 August 2022 12:34 PM
To: GENTLEMAN <GENTLEMAN@act.gov.au>

[REDACTED]

Subject: RE: Correspondence from Minister Gentleman

OFFICIAL

Good afternoon [REDACTED]

Please find attached the Chair's response to Minister Gentleman's letter.

Regards,

Dr David Monk
Senior Director, Committee Support
Office of the Legislative Assembly
02 620 50129
david.monk@parliament.act.gov.au
www.parliament.act.gov.au

From: GENTLEMAN <GENTLEMAN@act.gov.au>
Sent: Thursday, 11 August 2022 12:20 PM
To: LA Committee - Estimates <LACommitteeEstimates@parliament.act.gov.au>
Subject: FW: Correspondence from Minister Gentleman
Importance: High

Good afternoon

I am following up on behalf of the Minister as we have not received a response to his letter sent on Monday. Given the urgency of this matter (hearings commence on Monday), when can we expect a response from the Chair confirming the hearing arrangements?

Regards



From: GENTLEMAN

Sent: Monday, 8 August 2022 3:16 PM

To: LA Committee - Estimates <LACommitteeEstimates@parliament.act.gov.au>

Cc: BURCH <BURCH@parliament.act.gov.au>

Subject: Correspondence from Minister Gentleman

Dear Committee

Please find attached correspondence from Minister Gentleman.

Kind regards

Office of Mick Gentleman MLA
Minister for Planning and Land Management
Minister for Police and Emergency Services
Minister for Corrections
Minister for Industrial Relations and Workplace Safety
Manager of Government Business
Member for Brindabella

P: +61 6 620 50218 | Legislative Assembly Building, London Circuit, Canberra, ACT 2601 | GPO Box 1020, Canberra, ACT 2601



ACT
Government



Annexure 4 continued- x1 email attachments (4a)

Annexure 4a- 'Signed update – Covid – Gentleman.pdf



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON ESTIMATES 2022-2023

Mr James Milligan MLA (Chair), Mr Andrew Braddock MLA (Deputy Chair),
Dr Marisa Paterson MLA

Mr Mick Gentleman MLA
Manager of Government Business
Minister for Industrial Relations and Workplace Safety
Legislative Assembly for the ACT
196 London Circuit
CANBERRA ACT 2600

Dear Minister,

Budget Estimates hearings for 2022-23

Thank you for your letter of 11 August 2022, regarding concerns about COVID safety arrangements for the upcoming Budget Estimates hearings.

The Committee places high priority on safety for witnesses attending and appreciates these concerns.

The Committee is aware of the importance of the role that the Budget Estimates hearings provide in ensuring effective scrutiny of the budget in line with community expectations and putting in place measures to ensure minimal disruptions. We have put into effect COVID safe practices for the hearings to provide a safe environment for all participants. This includes compliance with the Speaker's recent advice reflecting the views of the Administration and Procedures Committee.

We would appreciate your advice on a suitable hybrid model, noting principles of accountability and respect to the Estimates process. If the Committee does not regard your proposal as feasible, we will expect attendance in the Assembly Building in line with the Speaker's advice. We would also appreciate your views about how the Assembly Building would not provide a safe environment for ACT Government officials. The Committee will have a private meeting at 1.40 pm today to consider this matter and we request that you provide your advice by this time.

The Webex equipment may be available for use, noting the issues with using new equipment.

All efforts will be put in place to ensure safe environment for witnesses.

Yours sincerely,


James Milligan MLA

Chair

12 August 2022

5. Annexure 5

1:50pm Speaker changed to being in the building
 Marcus Clough - Manager security & building services
 and August → went to committee for consultation
 each member of the committee is a PCB (3 members)
 → Mr Kane
 → James Milligan All members of the assembly
 → Marisa Paterson by wips
 → Andrew Braddock

currently building closed.
 There is a risk register → David

8th September → standing order meeting
 Essential Activity
 sanctions done virtually
 7 committees total, all run differently
 (all individual PCBs)
 Select Committee on estimates once/year
 (not sure how it was run last year → would need
 to check)
 It's up to the committee
 → follow basic rules of building & following
 Covid Safe Plan at assembly
 → changed as necessary

Health & safety committee
 Consulting with staff (11 Page) 3-13 & 3-14
 "It is essential that MHA/managers speak with, &
 seek the input of...."

Increased air flow (Recessing) → CO2 & covid (whole building)
 Committees work independently.

2 years 1 meeting/committee, but two years
 7 committees, now on trial to go back to 1
 (not covid related, following other federal process)

Assembly changed (Motion moved by Mick
 Gentlemen)

Coming out of lockdown there was a virtual &
 face-to-face option.

Staff of committee office would liaise with ministers offices
 not sure if letter stated 'how' to appear

Enterprise risk assessment
Director of committee support & Marcus
email correspondence
→ not sure if committee support passes on

Not sure when they left
Bradlock still here - 62050225
Milligan left building - 62050101
Peterson still in building? - 62051448

Separation of powers
Parliamentary Privileges Act 1987
section 24 Self Government Act

Chair - Milligan
member - Peterson

3:12pm Phone call to Andrew Bradlock (Deputy) Kiribati's room

No risk assessment conducted
unable to release right now → decision needs to be made by

Letters sent to Ministers (expedient in budget)
→ consultation would be minister to minister

Hybrid model
capacity to have people attend via

Sufficient officials in front
Committee doesn't ask for explanation/evidence

All covid safe measures as per Covid safe plan
→ physical spacing
→ limits to rooms (overflow room)
→ sanitiser
→ masks

Mavis Clagh @ parliament.ecf.gov.au
3:57pm

09:00 15/02/2020 MO additional notes after recalling details not reflected in notes & reviewing 2nd inspectors notes (Nicole)

1438 Phone call to Beth re: update + advice → 1455
→ Powers of entry 163 could be perceived as
General powers 165 Under/obs → Doreen
Specific powers 171 laughed & repeated
Hinder/obs?

'What get a risk matrix but controls are in place' Marcus
MO → Compelled to get a committee member (any)
re: have left it?

Doreen to call Bradlock after MO reached via email
(don't require Bradlock mobile number, wanted Doreen to call him)

Doreen refer to PFA 1987

1512 → Bradlock requested to attend, con

1516 Bradlock in attendance → intro/explained why he responded 'no risk assessment for specific activity, but operated under covid plan'

- No specific consultation process except through letters that get sent to ministers/staff (through ministers)
- Hybrid nature of bill (encourage physical attendance) → option to attend virtually

MO requested to see letter, Bradlock organised letter from Greens member (personal letter not reflected)

1533 → Bradlock returned w/ letter

Bradlock 'I overlooked what was in letter' re originally thought it contained more about consultation options

1540 Prohibition issued verbally (activity, grounds etc)

Bradlock asked if it can be done fully virtually
MO to check & provide advice via email

1550 Bradlock left

1552 Marcus showed main room (Pine label 3)

Marcus attempted to find email correspondence

between him & Director of committee support → couldn't located. MO to email through Monday
1557 WPU ended

1700 made aware of email by Cameron (?)
re: activity to continue F to F

[Brooke Snowden]

tried calling
17:20 → no answer
tried Bradlock

17:23

Annexure 6



12 August 2022

1:52 pm **Outgoing Call**
1 minute

Share Contact

Create New Contact

Add to Existing Contact

Add to Emergency Contacts

Annexure 7



12 August 2022

2:38 pm **Outgoing Call**
12 minutes

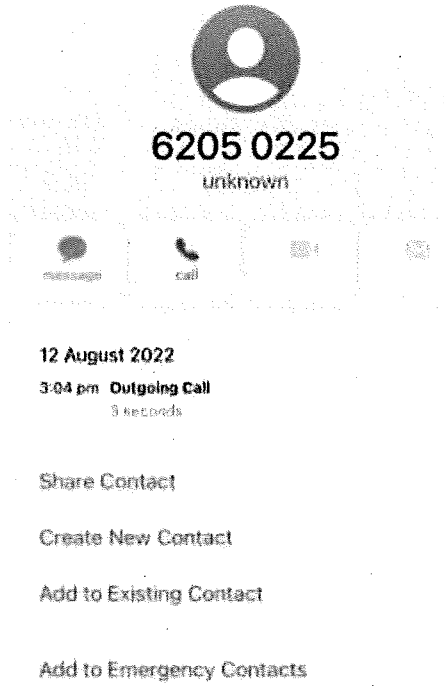
mobile [redacted]
0434 851 139

FaceTime

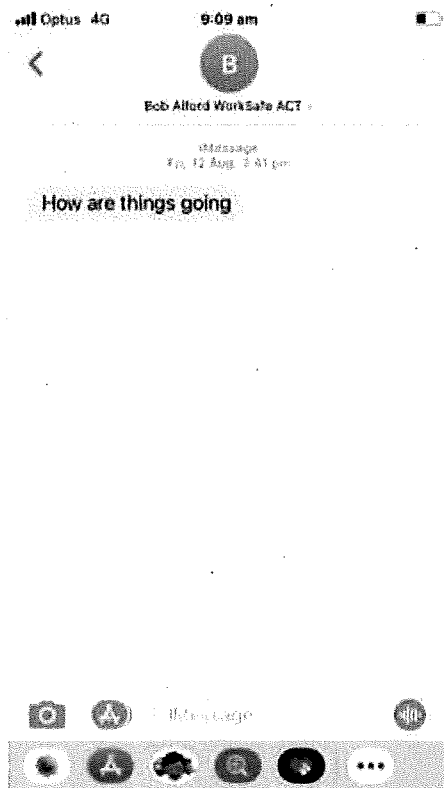
Notes

6
7

Annexure 8



Annexure 9



Annexure 10


Bob Alford WorkSafe ACT

12 August 2022
3:43 pm **Missed Call**


mobile
0434 851 139





FaceTime  

Notes


10
11



Annexure 11


Bob Alford WorkSafe ACT

12 August 2022
3:47 pm **Outgoing Call**
1 minute

mobile 
0434 851 139

FaceTime  

Notes

Annexure 12

Grey, Amanda

Subject: Invitation to Budget Estimates Hearing | Select Committee on Estimates 2022-2023 | Minister for Industrial Relations and Workplace Safety
Location: ACTLA Prince Edward Island Room
Start: Thu 18/08/2022 11:50 AM
End: Thu 18/08/2022 12:40 PM
Show Time As: Tentative
Recurrence: (none)
Meeting Status: Not yet responded
Organizer: CMTEDD, Assembly Coordination
Required Attendees: Young, Michael; Noud, Russell; West, Damar; Agius, Jacqueline; Grey, Amanda; Webeck, Cassandra (ACT ISA); Crystal Wang; Campbell, JenA
Optional Attendees: CMCD DLO

Good afternoon,

The latest advice from the Committee Chair is that Hearings will be face to face in the ACTLA Prince Edward Island Room.

The Minister for Industrial Relations and Workplace Safety is due to appear before the Select Committee on Estimates 2022-2023 on Thursday, 18 August 2022 from 11:50am-12:40pm as part of the Budget Estimates Hearing. Please note the change of date and timing for this hearing.

Ministerial approval for this Witness List has now been received. You have been identified a witness and are receiving this invitation accordingly. Please find attached the privilege statement which all witnesses will need to read prior to the hearing. Witnesses will be required to acknowledge that they have read and understand the privilege statement the first time they are called to speak in the hearing.

Please do not on-forward this invitation. Circulation is restricted to people named on the witness list.

Discussions are still underway on whether these hearings will be in person, virtually or a hybrid approach i.e. in person and virtually. This meeting invite will be updated as more information comes to hand.

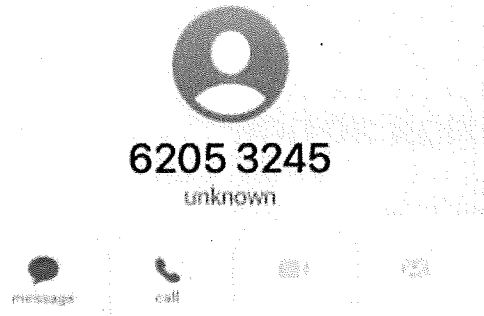
IMPORTANT: The Committee has decided to depart from the previous practice of basing the hearings schedule on budget outputs. This is due to scheduling problems this has caused in the past. Instead, the Administrative Arrangements have been used as a guide to determine possible areas for inquiry during each session. Unfortunately this will mean that officials on the witness lists will need to attend for the duration of the scheduled time for that portfolio.

A copy of the final Estimates hearing schedule is available [here](#) - updated 12 August 2022.

The information in the text box below indicates what will be covered during this hearing.

| | | | |
|----------------------------|-----------|--|---|
| 11:50am-12:40pm 50 mins | Gentleman | Minister for Industrial Relations and Workplace Safety | Chief Minister, Treasury and Economic Development ACT Public Sector Standards Commission Private member industrial relations and workplace health and safety policy Work health and safety regulation (local Safety Commission) |
|----------------------------|-----------|--|---|

Annexure 13



12 August 2022

5:21 pm **Cancelled Call**

5:20 pm **Cancelled Call**

Share Contact

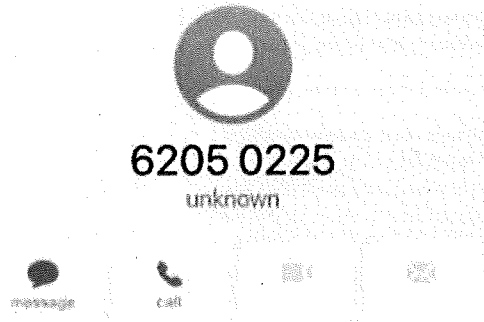
Create New Contact

Add to Existing Contact

Add to Emergency Contacts

13
14

Annexure 14



12 August 2022

5:22 pm **Outgoing Call**
7 seconds

Share Contact

Create New Contact

Add to Existing Contact

Add to Emergency Contacts

Annexure 15



PROHIBITION NOTICE

This is a Prohibition Notice issued under section 195 of the Work Health and Safety Act 2011

Information

Notice number N-0000005068

Issued By: Meaghan O'Connor

ID number: P50341

To whom this notice is issued

Name of registered individual: Australian Capital Territory

Business or trading name: Legislative Assembly for the Australian Capital Territory

ABN: 0

Registered Address: 196 London Circuit, Canberra, ACT suburb: state: postcode:

Site address: suburb: state: ACT postcode:

Method of service: Email

Served on: Joy Burch

Date of issue: 12/08/2022

A verbal instruction was issued on:

12/08/2022 03:08 PM

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**

You are prohibited from carrying on the following activity, or the carrying on of the activity in a specified way:

Undertaking any hearings or committee meetings at Legislative Assembly of the Australian Capital Territory until a risk assessment has been undertaken, adequate control measures are implemented in line with the Hierarchy of Control, and consultation has been undertaken with all affected workers.

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))

I, Inspector Meaghan O'Connor, have formed a reasonable belief at 15:40pm on 12/08/2022, that the Legislative Assembly of the Australian Capital Territory has contravened section 19 of the Work Health and Safety Act. 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

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MAIL
PO Box 158 Canberra ACT 2601

EMAIL
worksafe@act.gov.au

PHONE
02 6207 3000

whose activities in carrying out work are influenced or directed by the person, while the workers are at work in the business or undertaking. The Select Committee on Estimates 2022-23 (the Committee) has not undertaken a risk assessment in relation to the planned activity 'Estimates 2022-23 Hearings' and has not consulted, so far as is reasonably practicable, with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by the activity. Workers have been directed to attend this planned activity face-to-face only, without alternative options being provided that are readily available to control and eliminate the risk.

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))

The Legislative Assembly of the Australian Capital Territory has not identified reasonably foreseeable risks in the workplace, or implemented adequate control measures in relation to potential and known risks. The risk is transmission of a biological hazard in the workplace, being Covid-19, without consideration of eliminating the risk (in line with the Hierarchy of Controls) in preventing contraction of the disease that could cause serious injury or death.

This Notice may include directions concerning the measures to be taken to remedy the risk or contravention. You must comply with the direction

1. Undertake a risk assessment in relation to face-to-face hearings or committee meetings at the Legislative Assembly of the Australian Capital Territory.
2. Develop and implement adequate control measures in line with the Hierarchy of Control pursuant to regulation 36 of the Work Health and Safety Regulation 2011.
3. Consult with all workers who are, or are likely to be, directly affected by the activity.
4. Provide evidence of the risk assessment, control measures, and consultation process having been undertaken to Inspector O'Connor via meaghan.o'connor@worksafe.act.gov.au

This notice must be displayed 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 pursuant to section 210 of the Work Health and Safety Act 2011.

The Inspector recommends that you:

Review the following information:

Work Health and Safety (How to Manage Work Health and Safety Risks Code of Practice) Approval 2020
Work Health and Safety (Work Health and Safety Consultation, Cooperation and Coordination Code of Practice) Approval 2022

See over for important information on your rights and responsibilities.

WORKSAFE.ACT.GOV.AU

MAIL
PO Box 158 Canberra ACT 2601

EMAIL
worksafe@act.gov.au

PHONE
02 6207 3000

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.GOV.AU

MAIL
PO Box 158 Canberra ACT 2601

EMAIL
worksafe@act.gov.au

PHONE
02 6207 3000

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

WORKSAFE.ACT.GOV.AU

MAIL
PO Box 158 Canberra ACT 2601

EMAIL
worksafe@act.gov.au

PHONE
02 6207 3000

Annexure 16

O'Connor, Meaghan

From: O'Connor, Meaghan
Sent: Friday, 12 August 2022 6:23 PM
To: Braddock, Andrew
Subject: FW: Prohibition Notice N-0000005068
Attachments: Prohibition_Notice_N-0000005068.pdf

OFFICIAL

Good afternoon Andrew,

Thank you for your time this afternoon. As discussed, please see the attached Prohibition Notice, which has been issued to Joy Burch.

I have sought clarification in relation to your question regarding the 'Estimates 2022-23 Hearing' occurring in a virtual setting only. I have confirmed that undertaking this activity through virtual means would be considered adequate in relation to the elimination of the biological hazard (being Covid-19) in line with the Hierarchy of Control. The Prohibition Notice is specifically in relation to face-to-face hearings and committee meeting being undertaken at the Legislative Assembly of the Australian Capital Territory, until such time as the directions in the notice have been complied with.

If you require any further clarification, please do not hesitate to contact me.

Kind regards,

Meaghan O'Connor | Inspector - Psychosocial
P: 0481 475 356 | E: meaghan.o'connor@worksafe.act.gov.au
Office of the Work Health and Safety Commissioner
GPO Box 158 Canberra ACT 2601

**PUT SAFETY FIRST
AT YOUR WORKSITE
GET HOME SAFE**



WORKSAFEACT



I acknowledge the traditional custodians of the ACT the Ngunnawal people, and their continuing connection to land and community. I pay my respect to them, and to the Elders both past and present.

From: WorkSafe ACT <worksafe@act.gov.au>
Sent: Friday, 12 August 2022 6:12 PM
To: BURCH <BURCH@parliament.act.gov.au>
Cc: O'Connor, Meaghan <Meaghan.O'Connor@worksafe.act.gov.au>
Subject: Prohibition Notice N-0000005068

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Hi,
Please see attached PDFs to view a copy of your Notice.

Inspection number: 00130733
Lead Inspector: Meaghan O'Connor
Company Name: Australian Capital Territory
Notice Number: N-0000005068

For any further information please contact WorkSafe on:
Telephone: (02) 6207 3000
Facsimile: (02) 6205 0336
Email: worksafe@act.gov.au

Annexure 17

O'Connor, Meaghan

From: O'Connor, Meaghan
Sent: Friday, 12 August 2022 6:25 PM
To: Duncan, Tom
Subject: FW: Prohibition Notice N-0000005068
Attachments: Prohibition_Notice_N-0000005068.pdf

OFFICIAL

Good afternoon Mr Duncan,

Please be advised, the attached Prohibition Notice has been served upon the speaker, Ms Joy Burch.

If you require any further information, please do not hesitate to contact me.

Kind regards,

Meaghan O'Connor | Inspector - Psychosocial
P: 0481 475 356 | E: meaghan.o'connor@worksafe.act.gov.au
Office of the Work Health and Safety Commissioner
GPO Box 158 Canberra ACT 2601

**PUT SAFETY FIRST
AT YOUR WORKSITE
GET HOME SAFE**



WORKSAFEACT



I acknowledge the traditional custodians of the ACT the Ngunnawal people, and their continuing connection to land and community. I pay my respect to them, and to the Elders both past and present.

From: WorkSafe ACT <worksafe@act.gov.au>
Sent: Friday, 12 August 2022 6:12 PM
To: BURCH <BURCH@parliament.act.gov.au>
Cc: O'Connor, Meaghan <Meaghan.O'Connor@worksafe.act.gov.au>
Subject: Prohibition Notice N-0000005068

Caution: This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe. [Learn why this is important](#)

Hi,

Please see attached PDFs to view a copy of your Notice.

Inspection number: 00130733

Lead Inspector: Meaghan O'Connor

Company Name: Australian Capital Territory

Notice Number: N-000005068

For any further information please contact WorkSafe on:

Telephone: (02) 6207 3000

Facsimile: (02) 6205 0336

Email: worksafe@act.gov.au

Annexure 18

O'Connor, Meaghan

From: Speaker
Sent: Monday, 15 August 2022 7:22 AM
To: Agius, Jacqueline
Cc: O'Connor, Meaghan; Burch, Joy; Duncan, Tom
Subject: Prohibition Notice
Attachments: Prohibition_Notice_N-0000005068.pdf; Letter to WHS Commissioner 150822.pdf

Dear Commissioner,

Please find a letter in response to the Prohibition Notice served on me as Speaker on Friday evening.

Please note the letter asks for your reply by 10.15am today.

Joy Burch MLA
Speaker



Annexure 18 continued - x3 email attachments (Annexure 15, 18a)

Annexure 18a- 'Letter to WHS Commissioner 150822.pdf'



Speaker

Ms Jacqueline Agius
Work Health and Safety Commissioner
Jacqueline.agius@act.gov.au

Dear Commissioner,

I write in relation to the service, by your office, of prohibition notice N-0000005068 (the notice), on me in my role as Speaker of the Legislative Assembly for the Australian Capital Territory.

The notice purports to prohibit:

Undertaking any hearings or committee meetings at Legislative Assembly of the Australian Capital Territory until a risk assessment has been undertaken, adequate control measures are implemented in line with the Hierarchy of Control, and consultation has been undertaken with all affected workers.

The terms of the notice are profoundly misconceived as a matter of law, represent a grave threat to the privileges of the Assembly, and could quite possibly amount to a contempt of the Assembly.

By the terms of the notice, you purport to have a power to restrain all the Assembly's select and standing committees from performing their core scrutiny and accountability functions on behalf of the Assembly, under threat of a fine for non-compliance and until actions specified by you are fulfilled to your satisfaction.

Such a proposition is entirely without merit. The action taken by you cuts directly across the separation of powers between the legislative and executive arms of government and, on its face, seeks to upend the exclusive cognisance of the Assembly to exercise control over its proceedings.

The Assembly has an inherent power of inquiry, which is predominantly exercised through its committees. Through Assembly standing orders, committees also have the power to call for papers, persons and records. Neither the general power of inquiry, nor committees' powers under standing orders can be displaced by your exercise of powers under the *Work Health and Safety Act 2011* (WHS Act). Were the Assembly to have envisaged that the powers of the Commissioner could be exercised in such a manner, express statutory provision would have been required.

These are matters of deep constitutional significance.

It is particularly egregious for a government agency to issue such a notice at a time when the Select Committee on Estimates 2022-2023 is commencing its scrutiny of the ACT Executive.

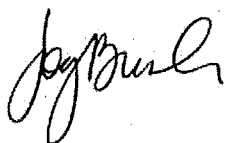
Setting aside issues relating to parliamentary privilege and the appropriate separation of powers, there are a number of technical and merits issues that arise in connection with the way in which the relevant powers under the WHS Act have been exercised and the terms of the notice itself.

While the WHS Commissioner fulfills important regulatory functions, these functions do not take precedence over the effective performance of the Assembly's legislative, representative, and accountability functions. I would be willing to enter a general dialogue with you at some later point about managing these tensions between the executive and the legislature.

Given the concerns I have raised, I would respectfully ask that you withdraw the notice.

Should the notice not be withdrawn by 10.15am on Monday 15 August 2022, I will be duty bound to consider taking action in the ACT Supreme Court to have the notice set aside.

Yours sincerely,

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

Joy Burch MLA
Speaker
Legislative Assembly for the ACT

15 August 2022

Annexure 19

9:35 15/05/2022 david.stinner@act.gov.au
 Sophie taking us through
 David Stinner → Senior Director Office of the Clerk
 Both public & members entrance → notice display
 Writing.
 Melinda Gonczarek → Speaker's chief of staff
 Risk assessment at back of Covid safe plan
 Key material issue → method of attendance
 Speaker has certain PCBU duties
 PCBUs need to consult with each other
 Expre
 Proceedings in parliament cannot be impeached or
 dissolved.
 Can't stand like ^{in light of} the committees actions/decisions
 Nothing new has been put in place, already in place.
 Director General should consult Can be summonsed,
 but invited first
 But hard to be responsive in the way you'd like
 You'd have to talk to the committee.
 Commissioner has been written to from the Committee
 Controls 7 standing 1 select
 10:21
 Madeline ^{MO} ~~Northern~~ Northman 0424041390 madeline.northman
 @CPW.org.au

19

Annexure 20

Brooke Gray Worksafe

Hi Meaghan, sent text to Ben. When you are back in the office, we will need to discuss the rewording of notice. Great work. Thanks. Brooke

Wed, 17 Aug, 10:29 am

How is it going out there? I'll pop in around 12 today

Accidentally sent you an email this morning about the prohibition notice. Please ignore

Sorry only just saw these. it's been pretty hectic here lots of school aged kids

Delivered

We are on our way



Message



Annexure 21

10:5am Verbal direction - today 15/08/2022

Version/approved
Covid Safe Plan - 10th Assembly VI.7 WTS committee 8/08/22
Page 13 4.7 WHS Controls to reduce exposure risks
The main controls that are being implemented in the Assembly precincts to reduce the risk of exposure are:

- ensuring that people who are unwell or symptomatic are not present in the precincts;
- dealing effectively with any exposure event;
- physical distancing & room limits in line with prescribed health directions;
- limiting large gatherings in line with the prescribed health directions;
- the promotion & adoption of good hygiene & cleaning practices;
- ensuring adequate ventilation; and
- mask wearing in accordance with any applicable public health direction (Members & staff are also encouraged to wear masks in the Assembly chamber & when moving around the common areas of the precincts).

Page 14 4.10 Ensuring that people who are unwell/symptomatic do not enter

Enabling 4.11 The presence of even one COVID positive person in the precincts presents considerable risks to the health & safety of everyone else & could render parts of the precincts & the democratic functions they support, temporarily inoperable.

Page 9 3. Governance

3.3 Both the Speaker & the Clerk are PCBUs & have a duty to take all reasonable steps to eliminate risks to health & safety, so far as is reasonably practicable, and where it is not reasonably practicable, to minimise those risks.

Page 5 1.4 It proceeds on the basis that all MLAs & the Clerk are persons conducting a business or undertaking (PCBUs) under the WHS Act & have a primary duty to ensure a safe & healthy workplace.

Appendix B - Risk assessment template - can be used by MLAs/managers & staff to assess particular WHS risks that may require particular attention in their immediate workplace.

Annexure 22



PROHIBITION NOTICE

This is a Prohibition Notice Issued under section 195 of the Work Health and Safety Act 2011

Information

Notice number N-0000005078

Issued By: Meaghan O'Connor

ID number: P50341

To whom this notice is Issued

Name of registered individual: Australian Capital Territory

Business or trading name: Legislative Assembly for the Australian Capital Territory

ABN: 0

Registered Address: 196 London Circuit, Canberra, ACT suburb: state: postcode:

Site address: 196 London Circuit suburb: Canberra state: ACT postcode: 2601

Method of service: Email

Served on: Joy Burch

Date of issue: 15/08/2022

A verbal instruction was issued on:

15/08/2022 10:08 AM

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**

You are prohibited from carrying on the following activity, or the carrying on of the activity in a specified way:

Conducting committee hearings at the Legislative Assembly of the Australian Capital Territory, at which participants attend in person, until a risk assessment has been undertaken, adequate control measures are implemented in line with the Hierarchy of Control, and consultation has been undertaken with all affected workers and others.

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))

Inspectors requested evidence of a risk assessment being undertaken in relation to the planned activity 'Estimates 2022-23 Hearings', from both the Deputy Chair of the Committee, as well as the Clerk of the Legislative Assembly. Neither persons could provide a copy of a risk assessment, or demonstrate knowledge of a risk assessment

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MAL
PO Box 158 Canberra ACT 2601

EMAIL
worksafe@act.gov.au

PHONE
02 6207 3000

having been conducted in relation to the planned activity. Further, the Clerk of the Legislative Assembly could not demonstrate knowledge of a risk assessment having been conducted generally in relation to hearings and/or committee's undertaken at the Legislative Assembly of the Australian Capital Territory, stating that it's up to each committee, which are run differently and independently.

Inspectors requested evidence of consultation being undertaken in relation to the planned activity 'Estimates 2022-23 Hearings' from the Deputy Chair of the Committee, who advised that consultation occurred through letters that were sent out to Ministers in relation to the activity. When Inspectors reviewed a copy of the supplied letters, it was identified that the letters did not capture the nature of consultation in line with section 48 of the Work Health and Safety Act 2011.

A review of the current Risk Register provided by the workplace as part of the overarching COVID-Safe Plan- 10th Assembly' document identified that the document provided is in draft-state, with the previous version/approval being considered by the WHS committee on 8 March 2022. Further review of the section 'Exposure risks-committee hearings/meetings' fails to demonstrate that the risk has been adequately assessed, or confirm that the Hierarchy of Control has been applied.

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))

I, Inspector Meaghan O'Connor, have formed a reasonable belief at 15:40pm on 12/08/2022, that the Legislative Assembly of the Australian Capital Territory has contravened section 19 of the Work Health and Safety Act. 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. The Select Committee on Estimates 2022-23 (the Committee) has not undertaken a risk assessment in relation to the planned activity 'Estimates 2022-23 Hearings' and has not consulted, so far as is reasonably practicable, with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by the activity. Workers have been directed to attend this planned activity face-to-face only, without alternative options being provided that are readily available to control and eliminate the risk.

The Legislative Assembly of the Australian Capital Territory has not identified reasonably foreseeable risks in the workplace, or implemented adequate control measures in relation to potential and known risks. The risk is transmission of a biological hazard in the workplace, being Covid-19, without consideration of eliminating the risk (in line with the Hierarchy of Controls) in preventing contraction of the disease that could cause serious injury or death.

This Notice may include directions concerning the measures to be taken to remedy the risk or contravention. You must comply with the direction

1. Undertake a risk assessment in relation to face-to-face hearings or committee meetings at the Legislative Assembly of the Australian Capital Territory.
2. Develop and implement adequate control measures in line with the Hierarchy of Control pursuant to regulation 36 of the Work Health and Safety Regulation 2011.

3. Consult with all workers (and participants) who are, or are likely to be, directly affected by the activity.
4. Provide evidence of the risk assessment, control measures, and consultation process having been undertaken to Inspector O'Connor via meaghan.o'connor@worksafe.act.gov.au

This notice must be displayed 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 pursuant to section 210 of the Work Health and Safety Act 2011.

The Inspector recommends that you:

Review the following information:

Work Health and Safety (How to Manage Work Health and Safety Risks Code of Practice) Approval 2020
Work Health and Safety (Work Health and Safety Consultation, Cooperation and Coordination Code of Practice) Approval 2022

See over for Important Information on your rights and responsibilities.

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PO Box 158 Canberra ACT 2601

EMAIL
worksafe@act.gov.au

PHONE
02 6207 3000

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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PO Box 158 Canberra ACT 2601

EMAIL
worksafe@act.gov.au

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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.

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

Phone: (02) 6207 3000

Fax: (02) 6205 0336.

Translating and Interpreting Service

Phone: 131 450

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PO Box 158 Canberra ACT 2601

EMAIL
worksafe@act.gov.au

PHONE
02 6207 3000

Annexure 23



Brooke Grey Worksafe



message



call



video



16 August 2022

12:57 pm Incoming Call

99 seconds

mobile [redacted]

0435 843 977

FaceTime



Notes

Annexure 24



WORK PLACE VISIT REPORT

Initial Information

Inspection Number: 00130733

Lead inspector: Meaghan O'Connor Inspector ID: P50341

Is there any accompanying inspectors: Yes

Nicole Calvert P57948

Type of visit: Reactive

Date visit commenced: 12/08/2022

Legislation visit conducted under: WHS

Purpose of visit: COVID- 19

Entity Information

Type of entity: Directorate

Name of individual or registered company: ACT Legislative Assembly

Trading as:

ACN:

ABN:

Industry Group: Government

Address: Legislative Assembly Building, London Circuit, Canberra, ACT 2601 | GPO Box 1020, Canberra, ACT 2601

Contact Name: Joy Burch

Contact Number:

Contact Email: burch@parliament.act.gov.au

Details of visit

Address: 196 London Circuit Canberra ACT 2601

Notification of entry to (as required by s164): PCBU

Were any potential breaches of the legislation identified? Yes

Section 19 of the Work Health and Safety Act 2011

Inspector notes:

At 1:56pm on 12/08/2022, WorkSafe ACT Inspectors Meaghan O'Connor and Nicole Calvert attended the Legislative Assembly of the Australian Capital Territory (located at 196 London Circuit, Canberra ACT 2601) for the purpose of conducting a workplace visit in relation to a concern regarding the biological hazard COVID-19. Upon arrival, Inspectors identified themselves as being from WorkSafe ACT, and advised that WorkSafe ACT had received a complaint regarding alleged inadequate risk management of COVID-19 in the workplace.

During the Workplace Visit, Inspectors met with:

Tom Duncan- Clerk of the Legislative Assembly

Marcus Clough- Manager of Security and Building Services

Andrew Braddock- MLA and Deputy Chair of The Select Committee on Estimates 2022-23

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Enquiries were undertaken in relation to whether a risk assessment and consultation process had been undertaken in relation to the planned activity, 'The Select Committee on Estimates 2022-23 Hearings', and for committee meetings and hearings generally.

Inspectors were provided with a copy of the following documents:

- * COVID Safe Plan - 10th Assembly
- * Email correspondence addressed to Ms Emma Davidson MLA sent on 28 July 2022 re: Estimates 2022-23 Hearings
- * Email correspondence addressed to Ms Emma Davidson MLA sent on 1 July 2022 re: Scheduling Estimates for the 2022-23 ACT Budget

The workplace visit concluded at 3:57pm this same day.

Disclaimer: The issues identified during this inspection are only indicative of compliance with the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2011, the Dangerous Substances Act 2004 and the Workers Compensation Act 1951 on the date of the inspection. If compliance is identified during this inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Previous action

Previous notice/s issued (either written or verbal)? No

Contacts

Lead Inspector email address: meaghan.o'connor@worksafe.act.gov.au

Recipient/s of this form

Email: burch@parliament.act.gov.au

Email 2:

Privacy Notice: The information collected for the purpose of the Work Health and Safety Act 2011 and is in accordance with the Information Privacy Act 2014. WorkSafe ACT prevents any unreasonable intrusion into person's privacy in accordance with the Privacy Act 1988 (C'With) and Information Privacy Act 2014. WorkSafe ACT provides identifiable information which can be disclosed to other law enforcement agencies and authorised organisation that have legal authority to request information under prescribed circumstances.

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Annexure 25



WORK PLACE VISIT REPORT

Initial Information

Inspection Number: 00130871

Lead Inspector: Meaghan O'Connor Inspector ID: P50341

Is there any accompanying inspectors: Yes

Ben Palmer P12937

Type of visit: Reactive

Date visit commenced: 14/08/2022

Legislation visit conducted under: WHS

Purpose of visit: COVID- 19

Entity Information

Type of entity: Other

Name of individual or registered company: Australian Capital Territory

Trading as: Legislative Assembly for the Australian Capital Territory

ACN:

ABN: 0

Industry Group: Government

Address: 196 London Circuit, Canberra, ACT

Contact Name: Joy Burch

Contact Number:

Contact Email: burch@parliament.act.gov.au

Details of visit

Address: 196 London Circuit Canberra ACT 2601

Notification of entry to (as required by s164): PCBU

Were any potential breaches of the legislation identified? Yes

Section 19 of the Work Health and Safety Act 2011.

Inspector notes:

At 9:35am on 15/08/2022, WorkSafe ACT Inspectors Meaghan O'Connor, Nicole Calvert and Ben Palmer, attended the Legislative Assembly of the Australian Capital Territory (located at 196 London Circuit, Canberra ACT 2601) for the purpose of conducting a workplace visit in relation to an issued Prohibition Notice. Upon arrival, inspectors identified themselves as being from WorkSafe ACT, and advised that WorkSafe ACT had received advice there were concerns around the wording of the Prohibition Notice.

During the Workplace Visit, Inspectors met with:

Tom Duncan- Clerk of the Legislative Assembly

Marcus Clough- Manager of Security and Building Services

Melinda Gonczarek- MLA, Speakers Chief of Staff

David Skinner- Senior Director Office of the Clerk

Enquiries were undertaken in relation to whether a risk assessment and consultation process had been undertaken since the Prohibition Notice had been issued.

Inspectors confirmed that the intent of the notice was to prohibit face-to-face hearings until as such time that the directions of the Prohibition Notice had been complied with. Inspectors advised that the current Prohibition Notice would be withdrawn, and a new Prohibition Notice in line with the intent of the original notice would be issued.

The workplace visit concluded at 10:21am this same day.

Disclaimer: The issues identified during this inspection are only indicative of compliance with the Work Health and Safety Act 2011, the Work Health and Safety Regulations 2011, the Dangerous Substances Act 2004 and the Workers Compensation Act 1951 on the date of the inspection. If compliance is identified during this inspection, it does not remove the obligation of any person to comply with any further requirement of the above mentioned Acts and Regulations.

Previous action

Previous notice/s issued (either written or verbal)? No

Contacts

Lead Inspector email address: meaghan.o'connor@worksafe.act.gov.au

Recipient/s of this form

Email: burch@parliament.act.gov.au

Email 2:

Privacy Notice: The information collected for the purpose of the Work Health and Safety Act 2011 and is in accordance with the Information Privacy Act 2014. WorkSafe ACT prevents any unreasonable intrusion into person's privacy in accordance with the Privacy Act 1988 (C'With) and Information Privacy Act 2014. WorkSafe ACT provides identifiable information which can be disclosed to other law enforcement agencies and authorised organisation that have legal authority to request information under prescribed circumstances.

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Annexure 26


Brooke Grey Worksafe


17 August 2022
12:11 pm **Incoming Call**
31 seconds





mobile 
0435 843 977

FaceTime  


Notes



Annexure 27


Brooke Grey Worksafe

18 August 2022
10:42 am **Incoming Call**
43 seconds

mobile 
0435 843 977

FaceTime  

Notes

26
27

Annexure 28

15:00 18/08/2022
Go + see David Monk - oversight over Committee - Sir Dir
(committee support) tomorrow 19/08/2022 9:00am
Rob spoke to David Monk earlier today re: progress
& offer of assistance.
Managing building access at front door (potentially
COVID safety marshal?)
Rob assessment for the planned activity, not risk register

Rob will call + organise

Speaker + Clerk not in country currently (?)

19/08/2022 Between 08:30 and 09:00am
MO advised by B Grey that controls are being put in
place to protect myself & B Palmer from psychological
harm in relation to Legislative Assembly case, so
herself & J Shepherd will be attending scheduled visit
today

19/08/2022 Around 12:00pm
MO asked B Palmer how B Grey + J Shepherd had
gone with visit, B Palmer advised Prohibition notice
had been lifted. B Palmer advised that he'd confirm
if the case was going to be transferred across to them
(B Grey/Shepherd). B Palmer later advised that case
had been closed

MO updated 2 emails sent from Speaker to case
& confirmed case was closed on Salesforce.

Annexure 29

O'Connor, Meaghan

From: Speaker
Sent: Thursday, 18 August 2022 3:35 PM
To: Agius, Jacqueline; O'Connor, Meaghan
Subject: Letter for Commissioner Agius from Madam Speaker
Attachments: Letter to Speaker - Update on Consultation.pdf; Combined feedback.pdf; OLA COVID-19 Risk Register V2.docx; Letter Commissioner Agius 180822.pdf

Dear Commissioner,

Please find attached correspondence in relation to Prohibition Notices N-000005068 and N-000005078 served on the ACT Legislative Assembly.

Joy Burch MLA
Speaker



Annexure 29 continued – x4 email attachments (Annexure 29a, 29b, 29c, 29d)

Annexure 29a- 'Letter to Speaker- Update on Consultation.pdf'



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON ESTIMATES 2022–2023

Mr James Milligan MLA (Chair), Mr Andrew Braddock MLA (Deputy Chair),
Dr Marisa Paterson MLA

Ms Joy Burch MLA
Speaker
Legislative Assembly for the ACT
By email: joy.burch@parliament.act.gov.au

Dear Madam Speaker,

Select Committee on Estimates 2022–2023: Update on Consultation Undertaken

I am writing to you in my capacity as the Chair of the Select Committee on Estimates 2022–2023 (Committee).

The Committee met today and resolved to update you on its work health and safety consultations with PCBUs to assist you in your correspondence with WorkSafe ACT.

You will be aware that, out of an abundance of caution, the Committee has written to invited Ministers, Officers of the Assembly, Statutory Office Holders, and yourself to consult on its plans to conduct hearings in the Assembly Chamber. The Committee has seen high levels of participation from its consultation, receiving positive and constructive feedback on hearing safety.

Minister Gentleman has responded representing all Ministers in their capacity as PCBUs. The Minister has provided input to the consultation process for consideration by the Committee. The Minister has requested that supporting officials be allowed to attend hearings online. The Committee will not consider this request until the Prohibition Notice has been lifted. This is because it is the Committee's priority to commence hearings with principal witnesses under its proposed model without the delay the minister's proposal would entail.

The Committee has also requested the Office of the Legislative Assembly to consult with the 26 PCBUs relevant to it and engage with its Health and Safety Committee for comments by affected workers.

A full list of those the Committee has consulted with directly is set out below:

- All ACT Government Ministers
- The Office of the Legislative Assembly
- The Clerk of the Legislative Assembly
- The Director of Public Prosecutions
- The ACT Human Rights Commissioner
- The Auditor-General
- The CEO of Legal Aid ACT
- The Commissioner for Sustainability and the Environment
- The Electoral Commissioner
- The Inspector of Correctional Services
- The ACT Ombudsman
- The Inspector of the Integrity Commission
- The Public Trustee and Guardian
- The Solicitor-General

The Committee has resolved to provide you with all available feedback it has received from these witnesses, which has been provided in a separate attachment along with the Committee's Risk Assessment.

Yours sincerely,



James Milligan MLA

Chair

18 August 2022

Annexure 29b- 'Combined feedback.pdf'

Thompson, SamuelR

From: Emy Yoneda <Emy.Yoneda@ombudsman.gov.au>
Sent: Wednesday, 17 August 2022 1:56 PM
To: LA Committee - Estimates
Cc: ACT Ombo; Adele Morey
Subject: RE: [External] Estimates Hearings - Letter from Chair [SEC=OFFICIAL]

Follow Up Flag: Follow up
Flag Status: Flagged

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OFFICIAL

Hi Samuel

Thank you for your email.

We understand the reasons for the proposed arrangements and will cooperate with the Committee as required. We would like to request that officials be permitted to attend remotely via video conference to ensure the ACT Ombudsman is appropriately supported to answer the Committee's questions.

Could you please let me know if this is possible?

We have no further input into the COVID register.

Thank you

Emy Yoneda
Strategy Officer, ACT Strategy and Coordination | Program Delivery Branch
ACT OMBUDSMAN
OFFICE OF THE COMMONWEALTH OMBUDSMAN
Email: emy.yoneda@ombudsman.gov.au
Website: ombudsman.act.gov.au



OMBUDSMAN AN OFFICER OF
THE ACT LEGISLATIVE ASSEMBLY 
Influencing systemic improvement in public administration

I acknowledge the Traditional Custodians of the ACT. I acknowledge & respect their continuing culture and the contribution they make to the life of this city & region.

From: LA Committee - Estimates <LACommitteeEstimates@parliament.act.gov.au>
Sent: Tuesday, 16 August 2022 7:32 PM
To: Emy Yoneda <Emy.Yoneda@ombudsman.gov.au>
Cc: ACT Ombo <actombo@ombudsman.gov.au>; LA Committee - Estimates <LACommitteeEstimates@parliament.act.gov.au>
Subject: [External] Estimates Hearings - Letter from Chair

Dear ACT Ombudsman,

Please find attached a letter to you on behalf of the Chair of the Select Committee for Estimates 2022-23.

Regards,

Samuel Thompson

Committee Secretary | Committee Support Office | Parliamentary Support Branch
P (02) 620 50435 | E SamuelR.Thompson@parliament.act.gov.au



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Caution: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

The Office of the Commonwealth Ombudsman acknowledges the traditional owners of country throughout Australia and their continuing connection to land, culture and community. We pay our respects to elders past and present.

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If you have received this message in error, please call 1300 362 072 to inform the sender so that future errors can be avoided.

Thompson, SamuelR

From: Commisso, Taylah
Sent: Wednesday, 17 August 2022 7:31 PM
To: LA Committee - Estimates
Cc: Smith, Caroline
Subject: RE: Estimates Hearings - Letter from Chair

Follow Up Flag: Follow up
Flag Status: Flagged

OFFICIAL: Sensitive

Dear Mr Milligan MLA

The Auditor-General thanks you for your consultation and has no other comment on the proposed arrangements including the Risk Register.

Kind regards
Taylah

Taylah Commisso | Executive Officer to the ACT Auditor-General

Phone: (02) 6207 4280 | **Email:** taylah.commisso@act.gov.au
ACT Audit Office | Auditor-General An Officer of the ACT Legislative Assembly
Nara Centre, Level 4, 3 Constitution Avenue, Canberra | PO Box 275 Civic Square ACT 2608 | www.audit.act.gov.au

The ACT Audit Office acknowledges the Ngunnawal people as traditional custodians of the ACT and pays respect to the elders; past, present and future. The Office acknowledges and respects their continuing culture and the contribution they make to the life of this city and this region.



Please consider the environment before printing this email

From: LA Committee - Estimates <LACommitteeEstimates@parliament.act.gov.au>
Sent: Tuesday, 16 August 2022 7:33 PM
To: Harris, MichaelL <MichaelL.Harris@act.gov.au>
Cc: Commisso, Taylah <Taylah.Commisso@act.gov.au>
Subject: Estimates Hearings - Letter from Chair

Dear Auditor-General,

Please find attached a letter to you on behalf of the Chair of the Select Committee for Estimates 2022-23.

Regards,

Samuel Thompson
Committee Secretary | Committee Support Office | Parliamentary Support Branch
P (02) 620 50435 | E SamuelR.Thompson@parliament.act.gov.au



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Thompson, SamuelR

From: John Boersig <John.Boersig@legalaidact.org.au>
Sent: Wednesday, 17 August 2022 1:33 PM
To: LA Committee - Estimates
Subject: RE: Estimates Hearings - Letter from Chair

Follow Up Flag: Follow up
Flag Status: Flagged

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Good afternoon.

We have our COVID protocols in place. It includes outreach and attendance at sites outside our office, which are not inconsistent with your risk register.

No further comment.

John

John Boersig
Chief Executive Officer
Executive

Legal Aid ACT

2 Allsop Street Canberra 2601
Phone: 02 6243 3455
Fax: 02 6243 3423
John.Boersig@legalaidact.org.au
www.legalaidact.org.au

Legal Aid ACT respectfully acknowledges the traditional land owners whose land we are working on today and pay our respects to Elders past and present. We also acknowledge and pay our respects to the Aboriginal people who draw their ancestral lines from this land.

Please consider the environment - do you really need to print this email?

From: LA Committee - Estimates <LACommitteeEstimates@parliament.act.gov.au>
Sent: Tuesday, 16 August 2022 7:35 PM
To: John Boersig <John.Boersig@legalaidact.org.au>
Cc: LA Committee - Estimates <LACommitteeEstimates@parliament.act.gov.au>
Subject: Estimates Hearings - Letter from Chair

Dear Dr Boersig,

Please find attached a letter to you on behalf of the Chair of the Select Committee for Estimates 2022-23.

Regards,

Samuel Thompson

Committee Secretary | Committee Support Office | Parliamentary Support Branch
P (02) 620 50435 | E SamuelR.Thompson@parliament.act.gov.au



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.....
This email, and any attachments, may be confidential and also privileged. If you are not the intended recipient, please notify the sender and delete all copies of this transmission along with any attachments immediately. You should not copy or use it for any purpose, nor disclose its contents to any other person.
.....

Thompson, SamuelR

From: Reichstein, Megan on behalf of Lewis, Sophie
Sent: Wednesday, 17 August 2022 3:09 PM
To: LA Committee - Estimates
Subject: FW: Estimates Hearings - Letter from Chair
Attachments: Commissioner for Sustainability - Consultation - 16 August 2022.pdf; OLA COVID-19 Risk Register V2.docx

Follow Up Flag: Follow up
Flag Status: Flagged

OFFICIAL

To: Mr James Milligan, MLA
Chair, Select Committee on Estimates 2022-23

Dear Mr Milligan

Following receipt of your letter of 16 August 2022, I wish to confirm that I believe that comprehensive consideration has been given in relation to the COVID risks associated with witness appearances at Estimates, and that the necessary preventive procedures have been identified as described in the Risk Register.

I would preference online for simplicity but am not overly worried about COVID under these arrangements.

Kind regards
Sophie



ACT Office of the Director of Public Prosecutions

Our Reference:
Your Reference:

17 August 2022

Mr James Milligan MLA
Chair
ACT Legislative Assembly Select Committee on Estimates 2022-2023

Via email: lacommitteeestimates@parliament.act.gov.au

Dear Mr Milligan

Thank you for your letter dated 16 August 2022 and attached Risk Register, in consultation of in-person appearances at Estimates hearings for 2022-2023.

I confirm that I have read the attached COVID-19 Risk Register, and I am confident that the COVID risks of in-person attendance are appropriately identified and mitigated. Accordingly, I would be happy to appear as a witness at Estimates hearings at the ACT Legislative Assembly in-person.

Yours faithfully,

Shane Drumgold SC
Director - ACT Director of Public Prosecutions

Mr James Milligan MLA (Chair)
Select Committee on Estimates 2022-2023
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

Via email: SamuelR.Thompson@parliament.act.gov.au

Dear Mr Milligan

Select Committee on Estimates 2022-2023 – Hearing Consultation

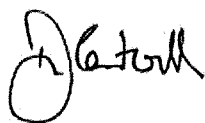
Thank you for your letter of 16 August 2022 seeking feedback about the proposed conduct of the upcoming Estimates hearings in light of WorkSafe ACT's Prohibition Notice.

I have reviewed the information contained in your letter as well as the identified risks and controls in the accompanying COVID-19 risk register. As an Independent Statutory Office Holder and witness at the hearings, I am comfortable that the measures you have outlined including limits on the number of witnesses and moving the hearings to the larger Legislative Assembly Chamber are all positive steps to ensure the ongoing safety and wellbeing of participants. As such, I have no issues of concern with the Committee's proposal.

I understand that the schedule of hearings will be updated in the coming days and as part of this consultation process, wish to advise that I am unavailable next Monday 22 August and Tuesday 23 August 2022 due to pre-existing commitments.

Thank you for the opportunity to provide input to the consultation process.

Yours sincerely



Damian Cantwell AM CSC
Electoral Commissioner

17 August 2022

cc: LACommitteeEstimates@parliament.act.gov.au

Thompson, SamuelR

From: Watchirs, Helen
Sent: Wednesday, 17 August 2022 3:47 PM
To: LA Committee - Estimates
Cc: Budavari, Rosemary; Acton, Jenny
Subject: RE: Estimates Hearings - Letter from Chair

Follow Up Flag: Follow up
Flag Status: Flagged

OFFICIAL

Hi Samuel

Thank you for letter from Chair of Estimates Committee, James Milligan MLA and offer to consult on your Risk Register.

In relation to the controls for the hazard of lack of mask wearing, we suggest that you clarify signage regarding good hygiene practices by including wording about masks being required unless the person is speaking, that there is a process to apply for an exemption from mask wearing for medical or other reasons, or to make alternative arrangements for remote participation if a person cannot wear a mask. Another control for this hazard would be to ensure that there are supplies of masks available at the entry to the LA building and hearing room.

Please note that my role includes President of the HRC – under s12(2) of the *Human Rights Commission Act 2005* the President is the Human Rights Commissioner.

Regards, Helen.

Dr Helen Watchirs OAM

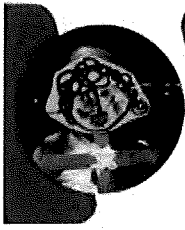
ACT President and Human Rights Commissioner
Level 2, 11 Moore Street
Canberra City ACT 2601

Tel (02) 6205 2222
Fax (02) 6207 1034

The ACT Human Rights Commission's website is at www.hrc.act.gov.au



I acknowledge the traditional custodians of the ACT and their continuing connection to land and community. I pay my respects to them and their culture, and to their elders past, present, and future. Artwork by Lynnice Keen, Ngurrinawal artist.



Have your say about racism!

Do you know a child or young person with something to say about racism in the ACT?

They can scan the QR code or go to actkids.act.gov.au to answer a short survey and share their views.



From: LA Committee - Estimates <LACCommitteeEstimates@parliament.act.gov.au>

Sent: Tuesday, August 16, 2022 7:30 PM

To: Watchirs, Helen <Helen.Watchirs@act.gov.au>

Subject: Estimates Hearings - Letter from Chair

Dear Human Rights Commissioner,

Please find attached a letter to you on behalf of the Chair of the Select Committee for Estimates 2022-23.

Regards,

Samuel Thompson

Committee Secretary | Committee Support Office | Parliamentary Support Branch
P (02) 620 50435 | E SamuelR.Thompson@parliament.act.gov.au



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Thompson, SamuelR

From: McAllister, Neil
Sent: Wednesday, 17 August 2022 7:57 AM
To: LA Committee - Estimates
Subject: RE: Estimates Hearings - Letter from Chair

Follow Up Flag: Follow up
Flag Status: Flagged

OFFICIAL

Dear Samuel

Thank you for inviting to comment on this "issue". I have no concerns about the risk register but, for what it's worth, I have major concerns about the intervention of WorkSafe ACT in the workings of the Legislative Assembly. I have attended a number of estimates and annual report hearings and do not consider that the hearings room or adjacent waiting areas pose any greater COVID exposure risk than any other place where people gather (offices, shops, restaurants, bars, clubs, etc.). I visit a major hospital regularly and I can enter without vaccination proof (which I have) and am only required to wear a mask indoors.

I would have been very happy to appear in-person this week regardless of WorkSafe ACT's fear mongering.

Regards

Neil

From: LA Committee - Estimates <LACommitteeEstimates@parliament.act.gov.au>
Sent: Tuesday, 16 August 2022 7:41 PM
To: McAllister, Neil <Neil.McAllister@act.gov.au>
Cc: LA Committee - Estimates <LACommitteeEstimates@parliament.act.gov.au>
Subject: Estimates Hearings - Letter from Chair

Dear Mr McAllister,

Please find attached a letter to you on behalf of the Chair of the Select Committee for Estimates 2022-23.

Regards,

Samuel Thompson

Committee Secretary | Committee Support Office | Parliamentary Support Branch
P (02) 620 50435 | E SamuelR.Thompson@parliament.act.gov.au



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FROM THE OFFICE OF THE COMMISSIONER

Our Ref: (TRIM REF)

Mr James Milligan MLA
Chair,
Select Committee on Estimates 2022-2023

By email:

Dear Mr Milligan,

Select Committee on Estimates 2022-2023

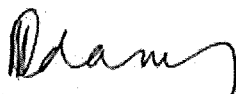
Thank you for your letter of 16 August about the sitting arrangements for the Committee's impending hearings.

Whilst I naturally defer to the Committee's views about who should be witnesses and, of course, will be attending myself, I have discussed the issue of their possible attendance with the Commission's CEO (Mr John Holtink) and Chief Financial Officer (Mr Scott Hickey), having brought to their attention the Risk Register. Each has assured me that, if it could be useful, they would be happy to attend, taking the necessary safety precautions.

Having regard to the complexity in some respects of the Commission's budgetary position, it would be helpful to me if it were possible for Messrs Holtink and Hickey to attend.

Please let me know if this can be achieved.

Yours sincerely,



The Hon Michael F Adams QC
Commissioner

17 August 2022



Mick Gentleman MLA
Manager of Government Business
Minister for Planning and Land Management
Minister for Police and Emergency Services
Minister for Corrections
Minister for Industrial Relations and Workplace Safety

Member for Brindabella

James Milligan MLA
Chair
Select Committee on Estimates 2022-23
ACT Legislative Assembly
CANBERRA ACT 2601
By email: LACommitteeEstimates@parliament.act.gov.au

Dear Chair *JAMES*

Thank you for your letter about Select Committee of Estimates 2022-2023 - Hearing Consultation and for the opportunity to provide feedback on the arrangements in place to manage the Estimates Hearings 2022-2023 in a COVID safe manner.

I have consulted with, and am responding on behalf of all Ministers.

I can confirm that Ministers have advised they will be available to attend hearings in person commencing from Monday 22 August, subject to compliance with quarantine and isolation requirements as directed by ACT Health.

To assist the functionality of the Committee process and the effectiveness of questioning, Ministers request that facilities be available for relevant ACTPS officials to appear online at the Hearings. Ministers consider this step would comply with the Prohibition Notice currently in force, given there would be no transmission risk to participants appearing in this way.

Ministers also advise that to assist the Committee they would be able to conduct quick consultation with relevant Directors-General and Deputy Directors-General to attend in person, when the Committee considers this possible.

ACT Legislative Assembly London Circuit, GPO Box 3020, Canberra ACT 2601

+61 2 6205 0218 gentleman@act.gov.au

[@GENTLEMANMick](https://twitter.com/GENTLEMANMick)

[MickGentleman](https://www.facebook.com/MickGentleman)

[mick.gentleman](https://www.instagram.com/mick.gentleman)

Ministers further request that the Committee Secretariat provide indicative times for sections within portfolios, to allow the efficient attendance of Directors-General or Deputy Directors-General in person (when the Committee considers that possible) and other officials online.

For example, two hours were originally set down for the hearings on Economic Development and Tourism. If the Committee Secretariat was able to advise if that comprises approximately one hour for each section, it would practically assist any required movement in and out of the hearing room. Similarly, the portfolios of Water, Energy and Emissions reduction could require significant physical or online movement of officials, so indicative time splits would assist this process.

In addition to the above, I seek confirmation of the intent of the reference to 'statutory office holders' in your correspondence. I seek clarification from the Committee that this is limited to Officers of the Assembly, and is not intended to capture public servants who also hold statutory office positions.

I also note that due to the delay in the commencement of Hearings, and the necessary rescheduling of the first week, that the Committee Secretariat be mindful of pre-existing Ministerial commitments and travel in the course of Government duties. Could the Committee Secretariat please consult with Ministers on their availability before settling on appearance times.

Thank you for the opportunity to provide this feedback to make our hearings safe and productive. As noted previously, the Government stands ready to assist you in any way it can.

Yours sincerely


Mick Gentleman MLA
Manager of Government Business

17/8/2022

Thompson, SamuelR

From: Taylor, Andrew
Sent: Wednesday, 17 August 2022 12:10 PM
To: LA Committee - Estimates
Cc: Hughes, Callum; Toy, Kathryn; Connolly, Helen; Burn, Gregory
Subject: RE: Estimates Hearings - Letter from Chair

Follow Up Flag: Follow up
Flag Status: Flagged

UNOFFICIAL

Thanks...we have no comments and are OK to attend in person...

Cheers
Andrew

ANDREW TAYLOR PUBLIC TRUSTEE AND GUARDIAN



PUBLIC TRUSTEE AND GUARDIAN | PO BOX 221 CIVIC SQUARE ACT 2608
☎ (02) 620 79800 | www.ptg.act.gov.au
Wills | Estates | Trusts | Guardianship | Financial Management | Powers of Attorney



We acknowledge the Traditional Custodians of the ACT, the Ngunnawal people
We acknowledge and respect their continuing culture and the contribution they make
to the life of this city and this region

Artwork by Ngarrindjeri artist Jordan Lovegrove

Due to an increase in the number of staff being impacted by illness, the Public Trustee and Guardian is currently experiencing critical staff shortages.

Whilst every effort is being made to action your requests, things are taking longer to resolve. We thank you for your patience.

From: LA Committee - Estimates <LACommitteeEstimates@parliament.act.gov.au>
Sent: Wednesday, 17 August 2022 9:54 AM
To: Taylor, Andrew <andrew.taylor@act.gov.au>
Cc: Hughes, Callum <Callum.Hughes@act.gov.au>; LA Committee - Estimates <LACommitteeEstimates@parliament.act.gov.au>; Toy, Kathryn <Kathryn.Toy@act.gov.au>; Connolly, Helen <Helen.Connolly@act.gov.au>; Burn, Gregory <Gregory.Burn@act.gov.au>
Subject: FW: Estimates Hearings - Letter from Chair

UNOFFICIAL

Dear Andrew

Thankyou for this advice, and acknowledging your intention to attend next Wednesday 24 August with Callum Hughes.

I take it from your response that you and Callum have no comments on the proposed arrangements and the risk register, but if you do please let us know by 5pm today.

Thanks for letting us know about your availability regarding the call back sessions again, we have advised the Committee on this.

Regards

Kathleen de Kleuver

Committee Secretary | Standing Committee on Justice and Community Safety

Office of the Legislative Assembly for the ACT

P (02) 620 70524 | E LACommitteeJCS@parliament.act.gov.au



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From: Taylor, Andrew <andrew.taylor@act.gov.au>

Sent: Wednesday, 17 August 2022 9:41 AM

To: de Kleuver, Kathleen <kathleen.dekleuver@parliament.act.gov.au>

Cc: Hughes, Callum <Callum.Hughes@act.gov.au>; Toy, Kathryn <Kathryn.Toy@act.gov.au>; Connolly, Helen <Helen.Connolly@act.gov.au>; Burn, Gregory <Gregory.Burn@act.gov.au>

Subject: FW: Estimates Hearings - Letter from Chair

UNOFFICIAL

Hi again Kathleen

As Public Trustee and Guardian, I will attend the Wednesday hearing in person (along with Deputy PTG Callum Hughes) on Wednesday, 24 August 2022 from 12.15pm to 1.00pm, unless advised otherwise.

I will be interstate when the possible carryover sessions may be heard on Thursday 25th and Friday 26th and will not be accessing emails.

Can I please ask that, should the Committee require carryover sessions on the Thursday and/or Friday, you contact Callum Hughes at PTG on Mob 0402603 804 or by email to callum.hughes@act.gov.au who will coordinate attendance by the other witnesses who are on standby (all copied to this email).

I have attached the witness form I previously sent with details of witnesses for Wed/Thurs and Fri.

Cheers
Andrew

ANDREW TAYLOR PUBLIC TRUSTEE AND GUARDIAN



PUBLIC TRUSTEE AND GUARDIAN | PO BOX 221 CIVIC SQUARE ACT 2608
☎ (02) 620 79800 | www.ptg.act.gov.au
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We acknowledge the Traditional Custodians of the ACT, the Ngunnawal people
We acknowledge and respect their continuing culture and the contribution they make
to the life of this city and this region

Artwork by Ngarrindjeri artist Jordan Lovegrove

Due to an increase in the number of staff being impacted by illness, the Public Trustee and Guardian is currently experiencing critical staff shortages.

Whilst every effort is being made to action your requests, things are taking longer to resolve. We thank you for your patience.

From: LA Committee - Estimates <LACommitteeEstimates@parliament.act.gov.au>
Sent: Tuesday, 16 August 2022 7:46 PM
To: Taylor, Andrew <andrew.taylor@act.gov.au>
Cc: LA Committee - Estimates <LACommitteeEstimates@parliament.act.gov.au>
Subject: Estimates Hearings - Letter from Chair

Dear Mr Taylor,

Please find attached a letter to you on behalf of the Chair of the Select Committee for Estimates 2022-23.

Regards,

Samuel Thompson
Committee Secretary | Committee Support Office | Parliamentary Support Branch
P (02) 620 50435 | E SamuelR.Thompson@parliament.act.gov.au



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**Solicitor-General for the
Australian Capital Territory**

Our Reference

Contact
Peter Garrison
6207 0654
peter.garrison@act.gov.au

17 August 2022

Mr James Milligan MLA
Chair
Select Committee on Estimates 2022-2023
Legislative Assembly for the
Australian Capital Territory
GPO Box 1020
CANBERRA ACT 2601

Via email: committees@parliament.act.gov.au

Dear Mr Milligan

Select Committee on Estimates 2022-2023 – Hearing Consultation

Thank you for your letter of 16 August 2022 and the attached Risk Register.

I am happy to attend a hearing of the Committee in person in accordance with the Committee's proposal. I have no comments on the Risk Register.

Yours sincerely

Peter Garrison AM SC
Solicitor-General



Speaker

Mr James Milligan
Chair, Select Committee on Estimates
ACT Legislative Assembly
By email: lacommitteestimates@parliament.act.gov.au

Dear Mr Milligan

Select Committee on Estimates 2022-2023 – Hearing Consultation

I refer to your letter of 16 August 2022, regarding consultation for the 2022-23 select committee on estimates.

Thank you for providing me with a copy of the committee's risk assessment. I am comfortable with the approach the committee has taken. I wish to advise that from Friday 19 August 2022, I will be absent from the country on CPA business returning on 01 September 2022.

I will be available to the committee from the afternoon of the 1 September.

Kind regards,

Joy Burch MLA
Speaker

17 August 2022

Annexure 29c- 'OLA COVID- 19 Risk Register V2.docx'

COVID-19 Risk Register: ACT Legislative Assembly Estimates Hearing 2022-23

| Location | ACT Legislative Assembly Building | | Date | 16/02/2022 | | | | | | | |
|---|--|---|--|--|---|-------------|----------|---------------|------------------------|--|--|
| Hazard | What is the harm that the hazard could cause? | What is the likelihood that the harm would occur? | What is the level of risk? | What controls are currently in place? | Are further controls required? | Assigned by | Date Due | Date Complete | Maintenance and review | | |
| Transmission of COVID-19 from staff or other attendees who are infected | Staff or other attendees (including COVID-19) could result in serious illness or death | Medium: new infections are declining and ACT community has a very high vaccination rate | Moderate: while infections are declining consequences may be severe especially if unvaccinated | <p>Cleaning and disinfecting in accordance with guidance from Safe Work Australia and public health authorities</p> <p>Frequently touched surfaces including desks, handrails, doors, phones, keyboards etc are regularly cleaned</p> <p>Desks are wiped clean with surface spray after each use</p> <p>Physical distancing - room has markings to keep workers and other attendees at least 1.5m apart</p> <p>Room occupancy limits compliant with public health directions are in place and signs placed around the precinct advising of these</p> <p>Alcohol based hand sanitizer is provided at entry points to the building and available in meeting rooms</p> <p>Posters on good hygiene practices and physical distancing are prominent in Assembly building and hand washing facilities are available in the bathrooms</p> <p>The Assembly Office has increased fresh air intake into the building through the HVAC system from 30% to 50%</p> | A reminder by the Chair of the committee that attendees, and others, practice good hand and respiratory hygiene. Mentored mask wearing except when speaking | | On-going | On-going | On-going | | |
| Staff or attendees attending workplace with COVID-19 or other flu like symptoms | Staff or attendees (including COVID-19) could result in serious illness or death | Medium: new infections are declining and ACT community has a very high vaccination rate | Moderate: while infections are declining consequences may be severe especially if unvaccinated | <p>Cleaning and disinfecting in accordance with guidance from Safe Work Australia and health authorities</p> <p>Frequently touched surfaces including desks, handrails, doors, phones, keyboards etc are regularly cleaned</p> <p>Staff have been briefed on symptoms of COVID-19 and have been told to stay home if they aren't feeling well</p> <p>Signage is displayed at entry points reminding staff and building attendees of the importance of staying home when experiencing flu like symptoms</p> <p>Posters on good hygiene practices and physical distancing are prominent in Assembly building</p> | | | On-going | On-going | On-going | | |

| Hazard | What is the harm that the hazard could cause? | What is the likelihood that the harm would occur? | What is the level of risk? | What controls are currently in place? | Are further controls required? | Assigned by | Date Due | Date Complete | Maintenance and review |
|---|--|---|--|---|--------------------------------|-------------|----------|---------------|------------------------|
| Inadequate arrangements for emergency or bush fire risk of COVID-19 in the precinct | Staff or attendees (including COVID-19) could result in serious illness or death | Medium: new infections are declining and ACT community has a very high vaccination rate | Moderate: while infections are declining consequences may be severe especially if unvaccinated | <p>and hand washing facilities are available in the bathrooms</p> <p>Boys and water for hand washing and paper towel or air dryer for hand drying is available in bathrooms with instructional signs on hand washing</p> <p>Alcohol based hand sanitizer is available in all staff areas including bathrooms, break rooms and meeting rooms</p> <p>If a attendee has a health condition that would classify them as vulnerable to risk of exposure, alternative arrangements can be made, including allowing flexibility</p> <p>The Office has increased fresh air intake into the building through the HVAC system from 30% to 50%</p> <p>Signage is displayed at entry points reminding staff and building attendees of the importance of staying home when experiencing flu like symptoms</p> <p>Operational will maintain a record of all attendees of meetings and appreciable functions of importance</p> <p>If a attendee has a health condition that would classify them as vulnerable to risk of exposure, alternative arrangements can be made, including allowing flexibility</p> <p>The Office has increased fresh air intake into the building through the HVAC system from 30% to 50%</p> <p>Process as outlined by ACT Health in the case of exposure will be followed</p> | | | On-going | On-going | On-going |
| Lack of mask wearing | Staff or attendees (including COVID-19) could result in serious illness or death | Medium: new infections are declining and ACT community has a very high vaccination rate | Moderate: while infections are declining consequences may be severe especially if unvaccinated | <p>Cleaning and disinfecting in accordance with guidance from Safe Work Australia and Health authorities</p> <p>Staff have been briefed on symptoms of COVID-19 and have been told to stay home if they aren't feeling well</p> <p>Signage is displayed at entry points reminding staff and building attendees of the importance of staying home when experiencing flu like symptoms</p> <p>Posters on good hygiene practices and physical distancing are prominent in Assembly building</p> | | | On-going | On-going | On-going |

| Hazard | What is the harm that the hazard could cause? | What is the likelihood that the harm would occur? | What is the level of risk? | What controls are currently in place? | Are further controls required? | Assigned by | Date Due | Date Complete | Maintenance and Review | |
|--|--|---|---|---|---|-------------|----------|---------------|------------------------|--|
| | | | | <p>and hand washing facilities are available in the bathrooms.</p> <p>Soap and water for hand washing and paper towels or an dryer for hand drying is available in bathrooms with instructional signs on hand washing.</p> <p>If a witness has a health condition that would classify them as vulnerable to risk of exposure alternative arrangements can be made, including staying remotely.</p> <p>The CPSC has increased fresh air intake into the building through the HVAC system from 50% to 60%.</p> | | | | | | |
| Firefighter use of PPE & equipment | Decontamination | Low severity Based on historical fire incident reports and personal experience with firefighting members | Low, despite firefighter using hand decontaminants for a long period and not being familiar with 1 | Staff or incident crew wear gloves with soap and water for an alternative to hand washing | Ask staff if they have a history of dermatitis or allergy to gloves | On-going | | On-going | On-going | |
| How visitors of emergency services are advised | Staff or witnesses carrying COVID-19 could transmit serious illness to staff | Low ALI community has a high knowledge and compliance record | Low, staff and witnesses have been adequately informed of requirements - generally a high level of knowledge and compliance to the requirements | <p>Clearing and decontaminating in accordance with guidance from Safe Work Australia and Health authorities</p> <p>Signage is displayed at entry points reminding staff and building attendees of the importance of staying home when experiencing flu like symptoms</p> <p>Posters on good hygiene practices and physical distancing are provided in Assembly building and hand washing facilities are available in fire bathrooms</p> <p>If a witness has a health condition that would classify them as vulnerable to risk of exposure alternative arrangements can be made, including staying remotely.</p> <p>The CPSC has increased fresh air intake into the building through the HVAC system from 50% to 60%.</p> | | On-going | | On-going | On-going | |

Annexure 29d- 'Letter Commissioner Agius 180822.pdf'



Speaker

Ms Jacqueline Agius
Work Health and Safety Commissioner
Worksafe ACT
Canberra Nara Centre
3 Constitution Avenue
CANBERRA ACT 2601

By email: jacqueline.agius@worksafe.act.gov.au

Dear Ms Agius

Prohibition Notice in relation to activities of the Select Committee on Estimates 2022-2023

I am writing to you in relation to Prohibition Notices issued to me under section 195 of the Work Health and Safety Act 2011, on Friday, 12 and 15 August 2022. The latter notice purports to prohibit the Select Committee on Estimates 2022-2023 (the Committee) from holding in person hearings at the Legislative Assembly of the Australian Capital Territory until a risk assessment has been undertaken, adequate control measures are implemented in line with the Hierarchy of Control, and consultation has been undertaken with all affected workers.

The Committee has written to me today to advise that it has met the terms of your Prohibition Notice. See attached correspondence.

I ask that you now lift the Prohibition Notice without further delay, and I seek confirmation of the lifting of the notice by 12pm tomorrow, Friday 19 August 2022. This will allow the Committee to notify witnesses and proceed with the important business of scrutinising the budget, to commence from Monday, 22 August 2022.

Please note that I reserve the right to pursue legal action in relation to the Issuing of the Prohibition Notice, as per my earlier correspondence.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Joy Burch'.

Joy Burch MLA
Speaker
18 August 2022

Legislative Assembly for the Australian Capital Territory
Civic Square, London Circuit (GPO Box 1020) Canberra ACT 2601

T (02) 6205 0020 E speaker@parliament.act.gov.au W www.parliament.act.gov.au @ACT_Assembly f @ACTAssembly

Annexure 30

O'Connor, Meaghan

From: Agius, Jacqueline
Sent: Thursday, 18 August 2022 4:21 PM
To: Speaker, O'Connor, Meaghan
Subject: Letter for Commissioner Agius from Madam Speaker

OFFICIAL: Sensitive

Dear Madam Speaker

Thank you for your correspondence. I have forwarded your email to Senior Director Brooke Grey who will manage this matter and I have asked her to respond to your letter this afternoon.

Kind regards

Jacqueline Agius | Work Health and Safety Commissioner
| Labour Hire Licence Commissioner
Office of the Work Health and Safety Commissioner
GPO Box 158 Canberra ACT 2601

WORKSAFEACT



I acknowledge the traditional custodians of the ACT the Ngunnawal people, and their continuing connection to land and community. I pay my respect to them, and to the Elders both past and present.

From: Speaker <Speaker@parliament.act.gov.au>
Sent: Thursday, 18 August 2022 3:35 PM
To: Agius, Jacqueline <Jacqueline.Agius@worksafe.act.gov.au>; O'Connor, Meaghan <Meaghan.O'Connor@worksafe.act.gov.au>
Subject: Letter for Commissioner Agius from Madam Speaker

Dear Commissioner,

Please find attached correspondence in relation to Prohibition Notices N-000005068 and N-000005078 served on the ACT Legislative Assembly.

Joy Burch MLA
Speaker

