

Dear [REDACTED]

DECISION ON YOUR ACCESS APPLICATION

I refer to your application under section 30 of the *Freedom of Information Act 2016* (FOI Act), received by Canberra Health Services (CHS) on **Friday 22 April 2022**.

This application requested access to:

'Information regarding the Dhulwa Mental Health Unit and:

- a. Nurses and Nursing; and/or*
- b. Work Health and Safety; and/or*
- c. Occupational Violence; and/or*
- d. Workplace Culture; and/or*
- e. Human Rights.*

Documents requested:

- 1. All relevant correspondence, inclusive of any attachments or other relevant documents such as briefings or advice, between (to and from) CHS and Worksafe ACT from 1/10/2021-21/04/2022.*
- 2. All relevant correspondence, inclusive of any attachments or other relevant documents such as briefings or advice, between (to and from) CHS to the Office of the ACT Minister for Mental Health from 1/10/2021-21/04/2022.*
- 3. All relevant correspondence, inclusive of any attachments or other relevant documents such as briefings or advice, between (to and from) CHS and the ACT Health Directorate from 1/10/2021- 21/04/2022.*
- 4. All relevant correspondence, inclusive of any attachments or other relevant documents such as briefings or advice, between (to and from) CHS and the ACT Human Rights Commission from 1/10/2021-21/04/2022.'*

I am the Information Officer appointed by the Chief Executive Officer of Canberra Health Services (CHS) under section 18 of the FOI Act to deal with access applications made under Part 5 of the Act. CHS was required to provide a decision on your access application originally by **Monday 23 May 2022** and after an agreed extension changed to **Wednesday 15 June 2022**.

I have identified 59 documents holding the information within scope of your access application. These are outlined in the schedule of documents included at Attachment A to this decision letter.

Decisions

I have decided to:

- grant full access to 13 documents; and
- grant partial access to 46 documents.

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

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

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

Full Access

I have decided to grant full access to 13 documents at references 1-2, 4, 10, 16, 23, 26-27, 30, 39-40 and 47-48.

Partial Access

I have decided to partially grant access to 46 documents that contains information that I consider, on balance, to be contrary to the public interest to disclose under the test set out in section 17 of the Act.

Public Interest Factors Favouring Disclosure

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

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

Public Interest Factors Favouring Non-Disclosure

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

- Schedule 2, Schedule 2.2 (a)(ii) prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004*; and
- Schedule 2, 2.2 (a)(xv) prejudice the management function of an agency or the conduct of industrial relations by an agency.

Documents at references 3, 8-9, 11-15, 17-22, 24-25, 28-29, 31-38, 41-46 and 49-59 are partially comprised of personal information of ACT Government employees and members of the public. The redacted information would not provide any government information pertinent to your request and therefore, I have decided this factor outweighs the public interest factors in the disclosure of this information.

Documents at references 5-7 are partially comprised of personal information of an ACT Government employee and a member of the public. These documents are also partially comprised of information that would prejudice the management function of an agency or the conduct of industrial relations by an agency.

I have given significant consideration to the factors favouring disclosure and I believe the factors favouring non-disclosure outweighed these as the information requested. It could reasonably be expected to have a detrimental effect for the agency's future management of complex staffing matters and patient care. The disclosure of identities of individuals could be damaging to those involved and discourage staff to not proactively voice concerns when such matters arise.

Therefore, I have determined the information identified is contrary to the public interest and I have decided not to disclose this information.

Multiple documents contain Health Records. Section 12 of the FOI Act outlines that this Act does not apply to information in a health record. Health information has been redacted to disclose access to government information where possible.

Charges

Processing charges are not applicable to this request.

Disclosure Log

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

<https://www.health.act.gov.au/about-our-health-system/freedom-information/disclosure-log>.

Ombudsman review

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

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

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

ACT Civil and Administrative Tribunal (ACAT) review

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

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Further assistance

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

Yours sincerely



Cathie O'Neill
Chief Operating Officer
Canberra Health Services

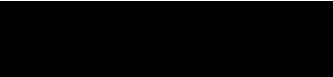
15 June 2022

FREEDOM OF INFORMATION SCHEDULE OF DOCUMENTS

Please be aware that under the *Freedom of Information Act 2016*, some of the information provided to you will be released to the public through the ACT Government's Open Access Scheme. The Open Access release status column of the table below indicates what documents are intended for release online through open access.

Personal information or business affairs information will not be made available under this policy. If you think the content of your request would contain such information, please inform the contact officer immediately.

Information about what is published on open access is available online at: <http://www.health.act.gov.au/public-information/consumers/freedom-information>

APPLICANT NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	FILE NUMBER
	<p><i>"Information regarding the Dhulwa Mental Health Unit and:</i></p> <ul style="list-style-type: none"> <i>a. Nurses and Nursing; and/or</i> <i>b. Work Health and Safety; and/or</i> <i>c. Occupational Violence; and/or</i> <i>d. Workplace Culture; and/or</i> <i>e. Human Rights.</i> <p><i>Documents requested:</i></p> <ol style="list-style-type: none"> <i>1. All relevant correspondence, inclusive of any attachments or other relevant documents such as briefings or advice, between (to and from) CHS and Worksafe ACT from 1/10/2021-21/04/2022.</i> <i>2. All relevant correspondence, inclusive of any attachments or other relevant documents such as briefings or advice, between (to and from) CHS to the Office of the ACT Minister for Mental Health from 1/10/2021-21/04/2022.</i> <i>3. All relevant correspondence, inclusive of any attachments or other relevant documents such as briefings or advice, between (to and from) CHS and the ACT Health Directorate from 1/10/2021- 21/04/2022.</i> <i>4. All relevant correspondence, inclusive of any attachments or other relevant documents such as briefings or advice, between (to and from) CHS and the ACT Human Rights Commission from 1/10/2021-21/04/2022"</i> 	<p>CHSFOI21-22.33</p>

Ref Number	Page Number	Description	Date	Status Decision	Factor	Open Access release status
1.	1 – 2	GBCHS21/235 Question Time Brief – Occupational Violence Strategy	5 October 2021	Full Release		YES
2.	3 – 141	Response letter to ACT Human Rights Commission	8 October 2021	Full Release	Out of Scope	YES
3.	142 – 144	Email – RE: request for meeting and other matters	4 November 2021	Partial Release	Schedule 2, 2.2(a)(ii) Privacy Out of Scope Health Records	YES
4.	145 – 146	GBCHS21/305 Question Time Brief – Occupational Violence Strategy	18 November 2021	Full Release		YES
5.	147 – 148	MCHS21/1011 Allegations of Serious Misconduct	26 November 2021	Partial Release	Schedule 2, 2.2(a)(ii) Privacy & Schedule 2, 2.2(a)(xv) Management function Health Records	YES
6.	149 – 150	Email – FW: Dhulwa Incident	29 November 2021	Partial Release	Schedule 2, 2.2(a)(ii) Privacy & Schedule 2, 2.2(a)(xv) Management function Out of Scope Health Records	YES
7.	151 – 153	Email – RE: Dhulwa Incident	7 February 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy & Schedule 2, 2.2(a)(xv) Management function Health Records	YES

8.	154 – 155	Email – RE: ANMF – DHULWA Matters	9 February 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES
9.	156 – 158	Email – RE: Facebook message re Dhulwa	14 February 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy Out of Scope	YES
10.	159 – 160	Meeting Invite – ANMF Dhulwa	14 February 2022	Full Release		YES
11.	161 – 162	Email – Urgent update on Dhulwa?	14 February 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy Out of Scope	YES
12.	163 – 166	Email – RE: Ms Castley Dhulwa tour	15 February 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES
13.	167 – 186	Email and attachments – Dhulwa incidents	15 February 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy Out of scope Health Records	YES
14.	187 – 190	Email and attachment – Dhulwa Mental Health Unit	18 February 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy Out of Scope	YES
15.	191 – 197	Email and attachment – Dhulwa Update OV Incidents – Specific Consumer (Patient)	18 February 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy Health Records	YES
16.	198 – 199	Answer to Question Taken On Notice – Occupational Violence Dhulwa - AR Hearings	21 February 2022	Full Release		YES
17.	200 – 204	Email – RE: Dhulwa Update OV Incidents – Specific Consumer (Patient)	22 February 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES
18.	205 – 216	Email and attachment – RE: HRC Dhulwa CIC – consumer consultations	24 February 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES
19.	217 – 219	Email – RE: Worksafe investigation at Dhulwa	25 February 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES

20.	220 – 225	MCHS22/98 Advisory Note – Request for Advice – Minister for Mental Health – Current Situation at Dhulwa	3 March 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy Health Records	YES
21.	226 – 228	Email – RE: Worksafe investigation at Dhulwa	8 March 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES
22.	229 – 231	MCHS22/154 Minister’s Weekly Brief – 7-11 March 2022	10 March 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy Out of Scope	YES
23.	232 – 236	Email and attachment – FW: Letter to ANMF – Dhulwa Occupational Violence, MHJHADS Strategies	11 March 2022	Full Release		YES
24.	237 – 239	Email – RE: WorkSafe investigation at Dhulwa Attachment is Out of Scope	11 March 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES
25.	240 – 245	Email and attachment – RE: WorkSafe investigation at Dhulwa	11 March 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES
26.	246	Meeting invite – Visit to Dhulwa Mental Health Unit	16 March 2022	Full Release		YES
27.	247 – 249	MCHS22/209 Minister’s Weekly Brief – 28 March to 1 April 2022	31 March 2022	Full Release	Out of Scope	YES
28.	250 – 254	Email – RE: Dhulwa Mental Health facility – WorkSafe Visit	1 April 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES
29.	255 – 257	Email – Fwd: RESPONSE DUE BY 4PM WEDNESDAY: Canberra Weekly – Dhulwa Mental Health Unit	5 April 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES
30.	258 – 275	MCHS22/238 Advisory Note and attachment – Occupational Violence at Dhulwa	5 April 2022	Full Release	Out of Scope	YES
31.	276	Email and attachment (media recording) – CT interview	6 April 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES

32.	277 – 280	Email – RE: Anmf issues	6 April 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy Out of Scope	YES
33.	281 – 282	Email – FW: RiotACT request for comment – Dhulwa feb circumstances	6 April 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy Out of Scope	YES
34.	283 – 286	Email – FW: Dhulwa Mental Health Unit	6 April 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy Out of Scope	YES
35.	287 – 288	Email – Question about Dhulwa	7 April 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy Out of Scope	YES
36.	289 – 291	Email – Canberra Weekly response	7 April 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy Out of Scope	YES
37.	292 – 293	Email – Additional lines re nurses as requested	7 April 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy Out of Scope	YES
38.	294 – 295	Email – Canberra Weekly – Dhulwa Mental Health Unit	8 April 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy Out of Scope	YES
39.	296	Caveat Brief – 2x patient AWOL from Dhulwa Mental Health Unit	8 April 2022	Full Release		YES
40.	297 – 301	GBCHS22/117 Response to Question on Notice – OV at Dhulwa	8 April 2022	Full Release		YES
41.	302 – 316	Email and attachments – FW: Summary – 11/04/22 – WorkSafe Inspector Attendance Dhulwa – incidents, HSR cease work direction, ANMF Entry Notice	12 April 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy Health Records	YES

42.	317 – 320	Email – RE: Dhulwa complaint CT21040007	12 April 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy Health Records	YES
43.	321 – 333	Email and attachments – Request Regarding WorkSafe ACT Workplace Visit report and Notices – Canberra Health Services	12 April 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy Out of Scope	YES
44.	334	Caveat Brief – Occupational Violence incident at Dhulwa Mental Health Unit – 11 April 2022	12 April 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy Health Records	YES
45.	335 – 336	Caveat Brief – Work Health Safety (WHS) at Dhulwa Mental Health Unit (Dhulwa)	12 April 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy Health Records	YES
46.	337 – 340	Email – RE: Request Regarding WorkSafe ACT Workplace Visit report and Notices – Canberra Health Services	13 April 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES
47.	341 – 343	Meeting invite – Discussion regarding WorkSafe Notices – Dhulwa	13 April 2022	Full Release		YES
48.	344 – 393	Email and attachments – FW: Behaviours of Concern and Safety Management Plan Templates – Dhulwa	13 April 2022	Full Release		YES
49.	394 – 409	Email and attachments – RE: Request for review of WorkSafe ACT Prohibition Notice and Improvement Notice	13 April 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES
50.	410 – 412	MCHS22/258 Advisory Note – Occupational Violence at Dhulwa	14 April 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy Health Records	YES
51.	413 – 420	Email and attachment – RE: Request for internal review – PN-000000	14 April 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES

52.	421	Email – Injured staff members name – Dhulwa	15 April 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy Health Records	YES
53.	422 – 479	Email and attachments – FW: Dhulwa Incident 15/04/22 – Serious Injury	16 April 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy Health Records	YES
54.	480 – 490	Email and attachments – FW: Dhulwa Incident 15/04/22 – Serious Injury	17 April 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy Health Records	YES
55.	491 – 492	Email – FW: Canberra Times media inquiry: Response to WorkSafe notices at Dhulwa	19 April 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy Out of Scope	YES
56.	493 – 494	Email – Dhulwa statement	19 April 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy Out of Scope	YES
57.	495 – 497	Email – RE: Media Request, News Corp, RE: Dhulwa Good Friday incident.	20 April 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy Out of Scope	YES
58.	498 – 499	Email – Interview request with 2CC	21 April 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy Out of Scope	YES
59.	500 – 501	Email – FW: Minister request to visit Dhulwa next week	21 April 2022	Partial Release	Schedule 2, 2.2(a)(ii) Privacy Out of Scope	YES
Total Number of Documents						
59						