

Our reference: ACTHDF0122-23.26



### **DECISION ON YOUR ACCESS APPLICATION**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (FOI Act), received by ACT Health Directorate (ACTHD) on **Friday 6 January 2023**.

This application requested access to:

'All correspondence and attachments between the ANMF and the Director General of ACT Health, CHS and the Ministers office (including the Ministers) regarding membership of the Cultural Reform Oversight Group (CROG) since ANMF were invited to participate. And any briefings (including media briefings) or advice that the Ministers office received from CHS or ACT Health about the ANMF's exit from CROG.'

I am an Information Officer appointed by the Director-General of ACT Health Directorate (ACTHD) under section 18 of the FOI Act to deal with access applications made under Part 5 of the Act. ACTHD was required to provide a decision on your access application by **Monday 27 February 2023**.

I have identified six 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.

# <u>Decisions</u>

I have decided to:

- grant full access to four documents; and
- grant partial access to two documents.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as <u>Attachment B</u> 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 four documents at references 2, and 4-6.

### **Partial Access**

Redactions have been made to information in documents at references 1 and 3 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. The information contained in these documents are partially comprised of an email address, and mobile number of an ACT Government employee and a non-ACT government employee.

## Public Interest Factors Favouring Disclosure

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

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

## Public Interest Factors Favouring Non-Disclosure

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

• Schedule 2, 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*.

Following the considerations of the above factors I have decided the factor favouring non-disclosure outweighed the factors favouring disclosure. Therefore, I have determined the information identified is contrary to the public interest and I have decided not to disclose this information.

### **Charges**

Processing charges are not applicable to this request.

### **Disclosure Log**

Under section 28 of the FOI Act, ACTHD maintains an online record of access applications called a disclosure log. As your request sought personal information, section 28(6) of the FOI Act states that your access application will not be published on the disclosure log.

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: <u>ACTFOI@ombudsman.gov.au</u> Website: <u>ombudsman.act.gov.au</u>

## 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

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 <a href="mailto:HealthFOI@act.gov.au">HealthFOI@act.gov.au</a>.

Yours sincerely,

Jodie Junk-Gibson

**Executive Branch Manager**People Strategy & Culture
ACT Health Directorate

22 February 2023



# 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: <a href="http://www.health.act.gov.au/public-information/consumers/freedom-information">http://www.health.act.gov.au/public-information/consumers/freedom-information</a>

APPLICANT NAME	APPLICANT NAME WHAT ARE THE PARAMETERS OF THE REQUEST			
	'All correspondence and attachments between the ANMF and the Director General of ACT Health, CHS and the Ministers office (including the Ministers) regarding membership of the Cultural Reform Oversight Group (CROG) since ANMF were invited to participate. And any briefings (including media briefings) or advice that the Ministers office received from CHS or ACT Health about the ANMF's exit from CROG.'	ACTHDFOI22-23.26		

Ref Number	Page Number	Description	Date	Status Decision	Factor	Open Access release status
1.	1-2	Email – RE: HR Working Matters Committee	1 December 2021	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES
2.	3 – 5	Email – Re: ANMF ACT Correspondence re Introduction of Rapid Antigen Testing at the Alexander Maconochie Centre	1 December 2021	Full Release		YES
3.	6 – 7	Email with attachment – FW: ANMF ACT Correspondence re Culture Reform Oversight Group	1 December 2021	Partial Release	Schedule 2, 2.2(a)(ii) Privacy	YES
4.	8 – 13	Email with attachment – For awareness : corro from ANMF re CROG	6 December 2021	Full Release		YES

5.	14 – 15	Letter to Minister – COR21 47044 CROG Membership ANMF to Minister 23 Dec 2021	23 December 2021	Full Release		YES		
6.	16 – 17	Ministerial Response – ANMF Ministerial Response January 2022	January 2022	Full Release		YES		
Total Number of Documents								
6								

From: Cross, Rebecca (Health)

Sent: Wednesday, 1 December 2021 12:19

To: Matthew Daniel

**Cc:** Junk-Gibson, Jodie (Health)

**Subject:** RE: HR Working Matters Committee

## **OFFICIAL**

## Hi Matthew

I am sorry to hear that issues have arisen over recent days that might impact on your involvement with the CROG and its working groups. Please feel free to call if there is anything I can do to assist.

Regards Rebecca

From: Matthew Daniel

Sent: Wednesday, 1 December 2021 11:15 AM

To: Cross, Rebecca (Health) < Rebecca. Cross@act.gov.au>

Cc: Junk-Gibson, Jodie (Health) < Jodie. Junk-Gibson@act.gov.au>

Subject: HR Working Matters Committee

**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.

Hi Rebecca,

The ANMF ACT Branch (ANMF) will be an apology for this afternoon's meeting.

Several issues arising over recent days mean that the ANMF will be assessing our involvement in this and other work of the CROG. I will be writing to the Minister on the matter shortly.

Regards

Matthew

## MATTHEW DANIEL

# Secretary

T: 6282 9455 F. 6282 8447
E. anmfact@anmfact.org.au W: anmfact.org.au 2/53 Dundas Court, PHILLIP ACT 2606
PO Box 4, WODEN ACT 2606





IMPORTANT: This message, and any attachments to it, contains information that is confidential and may also be the subject of legal, professional or other privilege. If you are not the intended recipient of this message, you must not review, copy, disseminate or disclose its contents to any other party or take action in reliance of any material contained within it. If you have received this message in error, please notify the sender immediately by return email informing them of the mistake and delete all copies of the message from your computer system.

From: anmfact@anmfact.org.au

**Sent:** Wednesday, 1 December 2021 15:18

**To:** O'Neill, Cathie (Health)

**Cc:** Peffer, Dave (Health); DGACTHealth; Smitham, Kalena (Health); West, Damian;

Beattie, Liz; Grace, Karen (Health); CHS COO; Rea, Katrina (Health); Carlyn Fidow;

Cullen, Thomas (Australian Nursing and Midwifery Federation)

**Subject:** Re: ANMF ACT Correspondence re Introduction of Rapid Antigen Testing at the

Alexander Maconochie Centre

## 1/12 - I have forwarded on to Rebecca for awareness. JD

**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.

### Hi Cathie,

I acknowledge and appreciate the purpose and sentiment of your email. Though it's not clear to the ANMF ACT Branch why CHS did not take the action outlined in your email as a first step to rectifying the situation? Instead, the ANMF was left with advice that the trial would start the day following receipt of CHS correspondence.

Regards Matthew

# MATTHEW DANIEL

## Secretary

T: 6282 9455 F. 6282 8447
E. anmfact@anmfact.org.au W: anmfact.org.au 2/53 Dundas Court, PHILLIP ACT 2606
PO Box 4, WODEN ACT 2606





From: O'Neill, Cathie (Health) < Cathie. O'Neill@act.gov.au>

Sent: Tuesday, 30 November 2021 5:56 PM

**To:** <a href="mailto:anmfact@anmfact.org.au">anmfact@anmfact.org.au</a>; Rea, Katrina (Health) < <a href="mailto:Katrina.M.Rea@act.gov.au">Katrina.M.Rea@act.gov.au</a>; Cc: Peffer, Dave (Health) < <a href="mailto:DGACTHealth@act.gov.au">DGACTHealth@act.gov.au</a>; Smitham, Kalena

(Health) < Kalena. Smitham@act.gov.au >; West, Damian < Damian. West@act.gov.au >; Beattie, Liz

 $<\!\!\underline{\text{Liz.Beattie@act.gov.au}}\!\!>; \text{Grace, Karen (Health)} <\!\!\underline{\text{Karen.Grace@act.gov.au}}\!\!>; \text{CHS COO} <\!\!\underline{\text{CHSCOO@act.gov.au}}\!\!>$ 

**Subject:** RE: ANMF ACT Correspondence re Introduction of Rapid Antigen Testing at the Alexander Maconochie Centre

### **UNOFFICIAL**

### Matthew

Thank you for your correspondence and questions.

As discussed just now with you by telephone, we have immediately informed our staff and Corrections Management Team that JHS working at AMC may wish to voluntarily participate in the pilot commencing tomorrow. There will be no compulsion to do so. In addition I have confirmed with Corrections that they will waive their direction for any staff not participating in the pilot to be refused entry to the AMC.

My Office is working to get an urgent meeting with you tomorrow to work through your questions / issues and propose a timeframe to move forward.

I again reiterate for my apology for my oversight in the lateness of notification regarding this pilot. As discussed yesterday with one of your team, and again with you now, we are very willing work with you and our staff at JHS to ensure the success of this pilot for all concerned.

### **Cathie O'Neill**

Chief Operating Officer Canberra Health Services

Phone: 61 (02) 512 47354
E-mail: Cathie.O'Neill@act.gov.au

EA: Madeline Bartlett 512 42147
EO: Michelle Ramsay 512 45804

Reliable | Progressive | Respectful | Kind



From: anmfact@anmfact.org.au <anmfact@anmfact.org.au>

Sent: Tuesday, 30 November 2021 2:23 PM

To: Rea, Katrina (Health) < Katrina.M.Rea@act.gov.au>

Cc: Peffer, Dave (Health) <Dave.Peffer@act.gov.au>; O'Neill, Cathie (Health) <Cathie.O'Neill@act.gov.au>;

 $\label{lem:decomposition} DGACTHealth < \underline{DGACTHealth@act.gov.au} > ; Smitham, Kalena (Health) < \underline{Kalena.Smitham@act.gov.au} > ; West, Damian \\ \\$ 

<Damian.West@act.gov.au>; Beattie, Liz <Liz.Beattie@act.gov.au>

Subject: ANMF ACT Correspondence re Introduction of Rapid Antigen Testing at the Alexander Maconochie Centre

**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.

Dear Ms Rea

Please find correspondence attached from ANMF ACT Branch Secretary, Matthew Daniel.

# **Kind Regards**

# THE ANMF ACT TEAM

T: 6282 9455 F. 6282 8447
E. anmfact@anmfact.org.au W: anmfact.org.au 2/53 Dundas Court, PHILLIP ACT 2606
PO Box 4, WODEN ACT 2606





-----

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.

-----

From: Cross, Rebecca (Health)

Sent: Wednesday, 1 December 2021 17:33

**To:** Junk-Gibson, Jodie (Health) **Cc:** Smitham, Kalena (Health)

**Subject:** FW: ANMF ACT Correspondence re Culture Reform Oversight Group

**Attachments:** ANMF - CROG Correspondence.pdf

Importance: High

### **UNOFFICIAL**

### Hi Jodie

Are you able to touch base with Kalena please – I assume the issues have arisen with CHS and/or Calvary, but it might include us peripherally if it relates to Tony's work.

From: West, Damian <Damian.West@act.gov.au>
Sent: Wednesday, 1 December 2021 5:09 PM

To: Cross, Rebecca (Health) < Rebecca. Cross@act.gov.au>; Peffer, Dave (Health) < Dave. Peffer@act.gov.au>

Subject: ANMF ACT Correspondence re Culture Reform Oversight Group

Importance: High

### **UNOFFICIAL**

## Hi Rebecca, Dave

The CMO have asked that I touch base with you both re the attached correspondence from the ANMF to the Health Minister – could you please let me know what you understand the "recent events" referenced within the letter relates too, and once the Minister's response is formalised, and any action that is proposed to be taken in response.

Cheers

**Damian** 

Dr Damian West – Deputy Director-General Workforce Capability and Governance Workplace Safety and Industrial Relations

Phone: | Email: <u>Damian.west@act.gov.au</u>

Chief Minister, Treasury and Economic Development Directorate (CMTEDD) | ACT Government Level 5, 220 London Circuit, Canberra City ACT 2601 | GPO Box 158 Canberra ACT 2601 | www.act.gov.au



2/53 Dundas Court Phillip ACT 2606 PO Box 4 Woden ACT 2606 ABN 41 698 088 660

1 December 2021

Ms Rachel Stephen-Smith Chairperson Culture Reform Oversight Group CANBERRA ACT 2601

# Via email

Dear Minister

## Re: Culture Reform Oversight Group Membership

The Australian Nursing and Midwifery Federation – ACT Branch (ANMF) writes to you in your capacity as the chairperson of the Culture Reform Oversight Group (CROG).

From the instigation of the CROG, the ANMF has actively participated in this group in good faith and in a genuine attempt to address the well-established cultural issues which exist within, and across, ACT Health Services.

However, given recent events, it appears to the ANMF that the relevant Health Services have failed to act to embrace positive cultural change, or are not serious in taking necessary steps to achieve positive cultural change.

In short, the ANMF considers that the recent actions of the relevant Health Services have demonstrated nothing short of contempt for Nurses and Midwives, and the Union which represents them.

In my capacity as ANMF Branch Secretary, I will be convening an ANMF Branch Executive meeting to seek advice on, and review, whether the ANMF should continue to participate in the CROG, and its associated processes.

Until such time as a formal decision is made, the ANMF will not be participating in any activities of the CROG, including attending and participating at relevant meetings and subcommittees.

As such, the ANMF will extend its formal apologies for these meetings.

It is expected that the ANMF Executive will convene in the coming weeks. The ANMF will provide your office with a formal position regarding its ongoing participation in the CROG, and its associated processes, after this meeting.

Yours sincerely

Mutth Al

Matthew Daniel Branch Secretary

cc: Athalene Rosborough ANMF ACT Branch President Rebecca Cross, Director General, ACT Health Directorate

Dave Peffer, CEO, Canberra Health Services Barbara Reid, ACT Regional CEO, Calvary From: Stewart, KateE (Health) on behalf of DGACTHealth

Sent: Monday, 6 December 2021 10:34

**To:** Junk-Gibson, Jodie (Health); ACT Health, Culture Review Implementation

**Cc:** DGACTHealth

**Subject:** For awareness : corro from ANMF re CROG

Attachments: ANMF ACT Correspondence re Culture Reform Oversight Group; Re: ANMF ACT

Correspondence re Introduction of Rapid Antigen Testing at the Alexander

Maconochie Centre

Hi Jodie

Just sending you these emails from Matthew Daniel re the CROG for awareness in case you haven't already seen them.

Kate

From: anmfact@anmfact.org.au

Sent: Wednesday, 1 December 2021 14:23

To: STEPHEN-SMITH

**Cc:** DGACTHealth; Peffer, Dave (Health); Barb Reid

**Subject:** ANMF ACT Correspondence re Culture Reform Oversight Group

**Attachments:** ANMF - CROG Correspondence.pdf

1/12 - I have forwarded this onto Rebecca. Not sure if this should be TRIM'd? JD

**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.

### Dear Minister

Please find correspondence attached from ANMF ACT Branch Secretary, Matthew Daniel.

**Kind Regards** 

# THE ANMF ACT TEAM

T: 6282 9455 F. 6282 8447
E. anmfact@anmfact.org.au W: anmfact.org.au 2/53 Dundas Court, PHILLIP ACT 2606
PO Box 4, WODEN ACT 2606







2/53 Dundas Court Phillip ACT 2606 PO Box 4 Woden ACT 2606 ABN 41 698 088 660

1 December 2021

Ms Rachel Stephen-Smith Chairperson Culture Reform Oversight Group CANBERRA ACT 2601

## Via email

Dear Minister

## Re: Culture Reform Oversight Group Membership

The Australian Nursing and Midwifery Federation – ACT Branch (ANMF) writes to you in your capacity as the chairperson of the Culture Reform Oversight Group (CROG).

From the instigation of the CROG, the ANMF has actively participated in this group in good faith and in a genuine attempt to address the well-established cultural issues which exist within, and across, ACT Health Services.

However, given recent events, it appears to the ANMF that the relevant Health Services have failed to act to embrace positive cultural change, or are not serious in taking necessary steps to achieve positive cultural change.

In short, the ANMF considers that the recent actions of the relevant Health Services have demonstrated nothing short of contempt for Nurses and Midwives, and the Union which represents them.

In my capacity as ANMF Branch Secretary, I will be convening an ANMF Branch Executive meeting to seek advice on, and review, whether the ANMF should continue to participate in the CROG, and its associated processes.

Until such time as a formal decision is made, the ANMF will not be participating in any activities of the CROG, including attending and participating at relevant meetings and subcommittees.

As such, the ANMF will extend its formal apologies for these meetings.

It is expected that the ANMF Executive will convene in the coming weeks. The ANMF will provide your office with a formal position regarding its ongoing participation in the CROG, and its associated processes, after this meeting.

Yours sincerely

Mutth SK

Matthew Daniel Branch Secretary

cc: Athalene Rosborough ANMF ACT Branch President Rebecca Cross, Director General, ACT Health Directorate

Dave Peffer, CEO, Canberra Health Services Barbara Reid, ACT Regional CEO, Calvary From: anmfact@anmfact.org.au

**Sent:** Wednesday, 1 December 2021 15:18

**To:** O'Neill, Cathie (Health)

Cc: Peffer, Dave (Health); DGACTHealth; Smitham, Kalena (Health); West, Damian;

Beattie, Liz; Grace, Karen (Health); CHS COO; Rea, Katrina (Health); Carlyn Fidow;

Cullen, Thomas (Australian Nursing and Midwifery Federation)

**Subject:** Re: ANMF ACT Correspondence re Introduction of Rapid Antigen Testing at the

Alexander Maconochie Centre

## 1/12 - I have forwarded on to Rebecca for awareness. JD

**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.

### Hi Cathie,

I acknowledge and appreciate the purpose and sentiment of your email. Though it's not clear to the ANMF ACT Branch why CHS did not take the action outlined in your email as a first step to rectifying the situation? Instead, the ANMF was left with advice that the trial would start the day following receipt of CHS correspondence.

Regards Matthew

# MATTHEW DANIEL

## Secretary

T: 6282 9455 F. 6282 8447
E. anmfact@anmfact.org.au W: anmfact.org.au 2/53 Dundas Court, PHILLIP ACT 2606
PO Box 4, WODEN ACT 2606





From: O'Neill, Cathie (Health) < Cathie. O'Neill@act.gov.au>

Sent: Tuesday, 30 November 2021 5:56 PM

**To:** <a href="mailto:anmfact@anmfact.org.au">anmfact@anmfact.org.au</a>; Rea, Katrina (Health) < <a href="mailto:Katrina.M.Rea@act.gov.au">Katrina.M.Rea@act.gov.au</a>; Cc: Peffer, Dave (Health) < <a href="mailto:DGACTHealth@act.gov.au">DGACTHealth@act.gov.au</a>; Smitham, Kalena

(Health) < Kalena. Smitham@act.gov.au >; West, Damian < Damian. West@act.gov.au >; Beattie, Liz

 $<\!\!\underline{\text{Liz.Beattie@act.gov.au}}\!\!>; \text{Grace, Karen (Health)} <\!\!\underline{\text{Karen.Grace@act.gov.au}}\!\!>; \text{CHS COO} <\!\!\underline{\text{CHSCOO@act.gov.au}}\!\!>$ 

**Subject:** RE: ANMF ACT Correspondence re Introduction of Rapid Antigen Testing at the Alexander Maconochie Centre

### **UNOFFICIAL**

### Matthew

Thank you for your correspondence and questions.

As discussed just now with you by telephone, we have immediately informed our staff and Corrections Management Team that JHS working at AMC may wish to voluntarily participate in the pilot commencing tomorrow. There will be no compulsion to do so. In addition I have confirmed with Corrections that they will waive their direction for any staff not participating in the pilot to be refused entry to the AMC.

My Office is working to get an urgent meeting with you tomorrow to work through your questions / issues and propose a timeframe to move forward.

I again reiterate for my apology for my oversight in the lateness of notification regarding this pilot. As discussed yesterday with one of your team, and again with you now, we are very willing work with you and our staff at JHS to ensure the success of this pilot for all concerned.

### **Cathie O'Neill**

Chief Operating Officer Canberra Health Services

Phone: 61 (02) 512 47354
E-mail: Cathie.O'Neill@act.gov.au

EA: Madeline Bartlett 512 42147
EO: Michelle Ramsay 512 45804

Reliable | Progressive | Respectful | Kind



From: anmfact@anmfact.org.au <anmfact@anmfact.org.au>

Sent: Tuesday, 30 November 2021 2:23 PM

To: Rea, Katrina (Health) < Katrina.M.Rea@act.gov.au>

Cc: Peffer, Dave (Health) <Dave.Peffer@act.gov.au>; O'Neill, Cathie (Health) <Cathie.O'Neill@act.gov.au>;

 $DGACTHealth < \underline{DGACTHealth@act.gov.au} > ; Smitham, Kalena (Health) < \underline{Kalena.Smitham@act.gov.au} > ; West, Damian \\$ 

<Damian.West@act.gov.au>; Beattie, Liz <Liz.Beattie@act.gov.au>

Subject: ANMF ACT Correspondence re Introduction of Rapid Antigen Testing at the Alexander Maconochie Centre

**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.

Dear Ms Rea

Please find correspondence attached from ANMF ACT Branch Secretary, Matthew Daniel.

# **Kind Regards**

# THE ANMF ACT TEAM

T: 6282 9455 F. 6282 8447
E. anmfact@anmfact.org.au W: anmfact.org.au 2/53 Dundas Court, PHILLIP ACT 2606
PO Box 4, WODEN ACT 2606





-----

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.

-----



2/53 Dundas Court Phillip ACT 2606 PO Box 4 Woden ACT 2606

ABN 41 698 088 660

23 December 2021

Ms Rachel Stephen-Smith Chairperson Culture Reform Oversight Group CANBERRA ACT 2601

Via email

Dear Minister,

Further to ANMF ACT Branch (ANMF) correspondence of 1 December 2021, I wish to advise that the ANMF Branch Council met and considered the ANMFs ongoing participation in the Culture Reform Oversight Group (CROG).

The ANMF Branch Council has formally determined that the ANMF will withdraw from the CROG.

In coming to this decision, Branch Council was particularly concerned with the results of the *Culture in the ACT public health system: Second Annual Review* (Annual Review).

Although the Annual Review points to positive outcomes, these relate to foundational work to support culture change and improvements to the level of organisational maturity, albeit from a low base.

Given that the Annual Review marks the second year of the reform program, the ANMF is of the view that the underwhelming results reported in the Annual Review are not due to the long-term nature of cultural change. The ANMF is concerned that the results may in fact reflect a lack of urgency, or inability, to achieving real change by ACT Health through the CROG.

That said, the ANMF notes that Canberra Health Services (CHS) has, in recent weeks, expressed a renewed commitment to addressing bullying. The ANMF expresses its support for workplaces free of bullying, however, the ANMF again notes our disappointment that bullying and poor behaviour remains a significant issue more than two years after it was reported to be a problem for ACT Health by the *Independent Review into the Workplace Culture Within ACT Health Services* (Independent Review).

Human resource (HR) policies and practices, including consultation with the ANMF, remains a concern. We are particularly troubled by the number of instances where HR decisions and interventions are damaging to individual nurses and midwives and detract from a positive culture. And while the sub-committees of CROG have been established to improve engagement on HR and consultation between ACT Health and unions, the sub-committees cannot address, in 'real-time', HR capability deficits that are impacting on our members.

Further, the ANMF remains of the expressed view that CHS and Calvary Public Hospital Bruce (CPHB) continue to fail to meet fundamental industrial and Government policy obligations and that the sub-committees will not address this accountability problem.

The ANMF also continues to express concern about the apparent lack of discernible and positive change to HR capability, despite ACT Health's investment in HR. HR practices at CHS continue to demonstrate that issues identified by the Independent Review are not being met eg poor adherence to proper preliminary reviews, while HR staffing turnover continues to beset CPHB, which is having a detrimental effect on our members e.g. WHS structures and functions that are lacking.

Separate to the Annual Review, the ANMF has consistently noted at CROG meetings that improving culture in ACT Health means ensuring that nurses and midwives have safe and manageable workloads. It is well understood that, apart from workplace safety, workload has a considerable influence on the culture experienced by nurses and midwives.

Although it is not the remit of the CROG to address nursing and midwifery workload, the ANMF Branch Council considers that members are best served by focusing our efforts on strategies for addressing workload.

Faced with hundreds of shortfalls on rostered shifts at Canberra Health Services and CPHB, and ANMF members reporting high levels of distress related to workload, the ANMF must act now. The wellbeing of our members and the safety of the Canberra community demands that we take decisive action to address the working lives of our members, and this will not be achieved through the CROG.

Further to this, there is no comprehensive workforce strategy to address current nurse and midwife staffing shortfalls at CHS and CPHB and there is no apparent urgency to developing one.

It is evident that the ANMF's membership of the CROG has become untenable because of the lack of substantial progress in changing culture in ACT Health and because the CROG is not an effective forum for addressing the most pressing culture issues facing nurses and midwives.

For clarity, the ANMF notes that while we are withdrawing from the CROG, the critical work of addressing culture as it pertains to nursing and midwifery will continue through targeted strategies. For example, the ANMF will continue to work with ACT Health on initiatives, such as the Towards a Safer Culture, which are relevant to nurses and midwives and are delivering timely and relevant cultural change.

Kind Regards,

Matthew Daniel Branch Secretary

Mutth M.



Rachel Stephen-Smith MLA
Minister for Health
Minister for Families and Community Services
Minister for Aboriginal and Torres Strait Islander Affairs

Member for Kurrajong

Mr Matthew Daniel Branch Secretary Australian Nursing & Midwifery Federation PO Box 4 WODEN ACT 2606

Dear Mr Daniel

Thank you for your letter of 23 December 2021 regarding the Australian Nursing and Midwifery Federation - ACT Branch's (ANMF) decision to withdraw from the Culture Reform Oversight Group (CROG).

While it is disappointing that the ANMF ACT is withdrawing from the CROG ahead of the final six months of the Culture Review Implementation, I appreciate your explanation of the ANMF ACT's concerns and priorities. Subject to the ongoing impact of the COVID-19 pandemic, it is my expectation that this final period will see recommendations from the *Final Report: Independent Review into the Workplace Culture within ACT Public Health Services* (Final Report) completed in full.

The CROG will also be considering preparations for sustainability across the three organisations, Canberra Health Services (CHS), Calvary Public Hospital Bruce (CPHB) and the ACT Health Directorate (ACTHD). As you would be aware, the role of the CROG itself beyond the formal three-year implementation period is the subject of ongoing consideration in the context of wider governance arrangements for the ACT health system.

I acknowledge the findings from the Second Annual Review conducted by Renee Leon have shown there is still much work to do to achieve the full intent of the Final Report, as discussed at the CROG meetings held in August, October and December 2021. Ms Leon's further recommendations and the active management of culture reform activities will continue to be a focus of discussions as the Culture Review Implementation program moves into the final phase.

While I understand the ANMF's concerns regarding progress on its key areas of focus, I was pleased that recent staff survey results across CHS, CPHB and ACTHD and their own Organisational Culture Improvement Model assessments all reflect some improvement. Each organisation provided a

ACT Legislative Assembly London Circuit, GPO Box 1020, Canberra ACT 2601



stephen-smith@act.gov.au







summary of these outcomes at the December CROG meeting and identified priorities for continuing to improve workplace culture that reflected thoughtful and progressive approaches to achieving a positive workplace culture.

I am assured by each organisation that improving workplace culture is a high priority and I am pleased that the ANMF acknowledges the commitment that has been made to addressing bullying. As you know this has been an area of considerable discussion in the CROG and a particularly difficult issue to address. Unfortunately, the issue of bullying in health professions is acknowledged to be a long-standing area of concern and has required significant focus to address the systemic issues that underpin its prevalence and impacts.

The work of the Human Resources Working Group and the activities being undertaken by CHS, CPHB and ACT Health through the Culture Review Implementation will be an important part of continuing to address bullying and harassment.

I appreciate that the ANMF is focused on the real-time impacts on the nursing and midwifery workforce, and recognise it is an essential remit of the union to advocate for individuals and the broader workforce in ensuring a safe environment for workers. The CROG and its associated working groups were not set up to address individual concerns, but to build systemic reforms to ensure effective processes are in place for those real-time concerns to be addressed.

As you have noted it is not the remit of the CROG to address nursing and midwifery workload issues, however the ACT Government has shown its commitment to addressing workload issues and taken significant steps through the recent \$50 million in funding for ratios in the 2021-22 ACT Budget. This has enabled newly established services to implement a nurse-to-patient ratio in areas such as the new mental health ward 12B and to prepare for the broader implementation in a number of specialities across both CHS and CPHB.

I continue to be briefed on areas of workforce concern and associated action plans to address concerns that are identified. I recognise the events of the past two years have been incredibly hard for staff and they have shown to the entire global community how important our health workers are in times of great need.

Thank you for taking the time to meet with me on 7 January. This was an important opportunity to discuss how I, my office and our health services can continue to work with the ANMF to ensure we are able to progress our shared priorities for the nursing and midwifery professions and the health of the Canberra community. I look forward to working together to address the ANMF's concerns about workload and workplace health and safety issues through initiatives such as ratios implementation and the second step of Towards a Safer Culture.

I hope that you and your staff had a restful shutdown period and wish you all the best for the new year, which is shaping up to be just as challenging as the last two.

Yours sincerely

Rachel Stephen-Smith MLA