



IMPROVEMENT NOTICE

This notice is issued under section 191 of the *Work Health and Safety Act 2011*. Section 210 requires that the person to whom an improvement notice is issued must, as soon as possible, display a copy of the notice in a prominent place at or near the workplace, or part of the workplace at which work is being carried out that is affected by the notice.

You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50,000 for an individual and \$250,000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: ACT Education Directorate
ABN: 29148723251
ACN:
Trading As: ACT Education
Address: , , ,

Details of contravention:

Site location: 38 Heidelberg Street, Conder ACT 2906

Brief description of how the provision is being or has been contravened:

On Friday 03/02/2022 at approximately 11:00 am, WorkSafe ACT inspectors Meaghan O'Connor and Jenny Nguyen, attended Lanyon High School (ACT Education Directorate, ABN: 29148723251) located at 38 Heidelberg Street, Conder, ACT 2906.

Following completion of the workplace visit, I, Inspector O'Connor formed a reasonable belief that ACT Education Directorate has contravened a provision of the Work Health and Safety Act 2011, being section 19. Section 19 states that a person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of workers engaged or caused to be engaged by the person while the workers are at work in the business or undertaking.

Workers are exposed to a significant risk of harm from electric shock, including injury or death.

At the workplace visit, inspectors observed some electrical equipment with expired test and tag (2021), including a document shredder and a laminator.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

Ensure the work health and safety of workers, so far as is reasonably practicable, by the compliance due date:

1. Have all electrical items in the workplace that will be supplied with electricity through electrical socket outlets tested and certified safe to use by a competent person, as set out in regulation 150 of the Work Health and Safety Regulation 2011.
2. Develop a process to ensure the on-going maintenance of all electrical items.

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

1. Confirm that you are in receipt of this Improvement Notice via email to Meaghan.O'Connor@worksafe.act.gov.au.
2. Review the information available within the 'Managing Electrical Risks in the Workplace Code of Practice' (<https://legislation.act.gov.au/View/ni/2020-556/current/html/2020-556.html>)
3. Contact the issuing Inspector Meaghan.O'Connor@worksafe.act.gov.au and provide evidence of compliance with the above directions.

Issuing Details

Issued by: Meaghan O'Connor
ID number: P50341
Date issued: 06/02/2023

Service method: Email
Notice emailed to: katy.haire@act.gov.au

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

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

Display of Notices

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

Compliance with direction or notice

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

Maximum penalty:

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

Contents of Notice

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

Directions and recommendations

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

Changes to notice by inspector

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

Privacy statement

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

Review of this Work Health and Safety Act notice

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

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

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

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

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

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

The decision to issue this notice is also reviewable under the *Administrative Decisions (Judicial Review) Act 1989* on application to the ACT Supreme Court.

Further, a person may make a complaint to the ACT Ombudsman about the issue of this notice.

WorkSafe ACT contact details

PO Box 158, Canberra ACT 2601

Email: worksafe@act.gov.au

Phone: (02) 6207 3000

Fax:(02) 6205 0336

Translating and Interpreting Service

Phone: 131 450



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Notice issued to:

Legal name of person/business or undertaking: ACT Education Directorate
ABN: 29148723251
ACN:
Trading As: ACT Education
Address: , , ,

Details of contravention:

Site location: 38 Heidelberg Street, Conder ACT 2906

Brief description of how the provision is being or has been contravened:

On Friday 03/02/2022 at approximately 11:00 am, WorkSafe ACT inspectors Meaghan O'Connor and Jenny Nguyen, attended Lanyon High School (ACT Education Directorate, ABN: 29148723251) located at 38 Heidelberg Street, Conder, ACT 2906.

Following completion of the workplace visit, I, Inspector O'Connor formed a reasonable belief that ACT Education Directorate has contravened a provision of the Work Health and Safety Act 2011, being section 19. Section 19 states that a person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of workers engaged or caused to be engaged by the person while the workers are at work in the business or undertaking.

Workers are exposed to a risk of further injury or illness at the workplace due to inadequate first-aid equipment.

At the workplace visit, inspectors observed two separate first-aid kits that contained expired first aid equipment, including saline irrigation pods, Healaid cream and bandages.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

Ensure the work health and safety of workers, so far as is reasonably practicable, by the compliance due date:

1. Review the contents of all first-aid kits at the workplace, ensuring that all items are in working order, have not deteriorated, are within their expiry dates and sterile products are sealed and have not been tampered with.
2. Develop a safe system of work to ensure that the first-aid equipment is adequately maintained at the workplace

Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

1. Confirm that you are in receipt of this Improvement Notice via email to Meaghan.O'Connor@worksafe.act.gov.au
2. Review the information available at the following website <https://legislation.act.gov.au/View/ni/2020-543/current/html/2020-543.html> (First Aid in the Workplace Code of Practice)
3. Contact the issuing Inspector Meaghan.O'Connor@worksafe.act.gov.au and provide evidence of compliance with the above directions.

Issuing Details

Issued by: Meaghan O'Connor
ID number: P50341

Date issued: 06/02/2023

Service method: Email

Notice emailed to: katy.haire@act.gov.au

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

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

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

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You must comply with this notice within the period specified. Failure to comply may incur a maximum penalty of \$50, 000 for an individual and \$250, 000 for a body corporate.

Notice issued to:

Legal name of person/business or undertaking: ACT Education Directorate
 Head of Directorate name: Director-General of the ACT Education Directorate
 ABN: 29148723251
 ACN:
 Trading As: ACT Education
 Address: , , ,
 Due Date: 27 February, 2023

Details of contravention:

Site location: 38 Heidelberg Street, Conder ACT 2906

I Meaghan O'Connor reasonably believe on 13/02/2023 11:09 AM that you contravened a provision of the Work Health and Safety Act 2011, section 19. Section 19 states that a person conducting a business or undertaking must ensure, so far as is reasonably practicable, the health and safety of workers engaged or caused to be engaged by the person while the workers are at work in the business or undertaking.

Workers are exposed to a risk of harm from the inadequate provision of information, and instruction in relation to emergency management procedures at Lanyon High School.

Brief description of how the provision is being or has been contravened:

At the workplace visit, inspectors were provided some documentation provided to workers on commencement at the workplace, including 'Lanyon High School Staff Handbook Emergency Evacuation Management 2023' and 'LHS – Lockdown'. Following a review of these documents, and in conjunction with information received via email, it was identified that the documents have some inaccurate information, and some missing or unclear information.

Lanyon High School Staff Handbook Emergency Evacuation Management 2023-

- Page 3, point 6 states 'If it is Wet Weather, the evacuation Assembly Area will be located in the Gym (if appropriate)', which is an alternative to the standard Assembly Area (Basketball courts). Through enquiries it was confirmed that wet weather (heaviness of rain) is specifically determined by the Chief Fire Warden and deputy principal, and workers and students are not advised of the determination (and requirement to move to the gym) until they have attended the basketball courts. The written instruction in this document in relation to Wet Weather are not clear and may result in confusion during an emergency event.

LHS – Lockdown

- Red Alert (page 1) instructs 'Teachers in staffrooms check immediate corridors for unsecured students.' But does not instruct on where teachers are meant to bring the unsecured students once located. Through enquiries it was confirmed that the teacher is meant to bring the student/s into their classroom, however, Red Alert (page 1) also instructs 'DO NOT OPEN THE DOOR TO ANYONE', which is contradictory to this instruction.

- Red Alert (Page 1) instructs 'Classes outside but inside school gates return to gym' and Red Alert (Page 5) instructs 'Classes outside but inside school gates return to regular classrooms'. Through enquiries it was confirmed that the document needed to be updated to reflect the correct instruction, being 'return to

the gym or classrooms, whichever is closest and safest to do'. Persons are exposed to a risk to their health and safety from low role clarity, through the inadequate provision of information and training within a workplace, which can lead to an increased risk of harm including psychological or physical injuries or illness.

Directions as to the measures to be taken to remedy or prevent the contravention or likely contravention: *(it is mandatory to comply with these directions)*

You must ensure, the work health and safety of workers, so far as is reasonably practicable, by the compliance due date:

1. Review and update the information provided in the 'Lanyon High School Staff Handbook Emergency Evacuation Management 2023' and the 'LHS-Lockdown' to ensure the information is current, accurate and clear.

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Recommendations (if any): *(it is not an offence not to comply with these recommendations)*

1. Confirm that you are in receipt of this Improvement Notice via email to Meaghan.O'Connor@worksafe.act.gov.au.
2. Review the information available within the
'<https://www.safeworkaustralia.gov.au/safety-topic/managing-health-and-safety/mental-health/psychosocial-hazards/lack-role-clarity>
3. Contact the issuing Inspector Meaghan.O'Connor@worksafe.act.gov.au and provide evidence of compliance with the above directions prior to the day by which the person is required to remedy the contravention or likely contravention.

Issuing Details

Issued by: Meaghan O'Connor

ID number: P50341

Date issued: 16/02/2023

Service method: Email

Notice emailed to: katy.haire@act.gov.au

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