



SafeWork NSW
IMPROVEMENT NOTICE

Ref No: 7-436182

ORIGINAL

Notice No: 7-436182

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 with this notice may incur a maximum penalty of 575 units for an individual and 2,885 units for a body corporate.

Notice issued to:

Legal name of person /
business or undertaking: CITY OF PARRAMATTA COUNCIL

ABN: 49907174773

ACN:

Trading as:

Address: 126 CHURCH ST, , PARRAMATTA, NSW, 2170

Details of contravention:

Site location: 126 Church St, PARRAMATTA, NSW, 2150

I, Mostafa Issa reasonably believe on 15/02/2023 that you are contravening a provision of the *Work Health and Safety Act 2011*, section 19.

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

The person conducting a business or undertaking has failed to ensure that psychosocial risks are being managed so far as is reasonably practicable. For example, existing controls such as the Workplace Bullying & Harassment Policy, Policy Number 011, has not been reviewed since 2017 despite being scheduled for review in August 2020. In addition, Assistant State Inspector Mostafa Issa met and spoke with several Workers and other relevant persons that reported being subject, and witness, to inappropriate workplace behaviours of Councillors towards other Councillors and Workers, predominantly, during Workshop meetings. The behaviours described include personal criticism, unwarranted accusations, raised voices, ridicule and intimidation which, reportedly, are not being appropriately addressed during or following Workshop meetings.

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)

The person conducting a business or undertaking must ensure that psychosocial risks are being managed so far as is reasonably practicable by

1. Conducting a review of the controls implemented to manage psychosocial risks in the workplace to ensure the controls are effective in controlling the risks as intended.
2. Identify all available ways of eliminating or minimising psychosocial risks in the workplace and determine which are reasonably practicable to introduce. For example, consideration should be given to introducing audio visual recording of Workshop meetings. Consideration should also be given to the other recommendations made within the 'Focus on Civic Responsibility, Councillor Conduct Accountability in NSW Report' for the Hon. Wendy Tuckerman MP dated October 2022.
3. Completing the above directions in consultation with all relevant duty holders including Workers and Councillors.

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

SWNSW Code of Practice Managing Psychosocial Hazards at Work and WHS Consultation, cooperation & coordination
SWAust Guide Preventing & responding to workplace bullying; Dealing with Workplace Bullying A Workers Guide & Work-related psychological health & safety, A systematic approach to meeting your duties

Issuing Inspector:

ELECTRONICALLY ISSUED

Signature of inspector

15/02/2023

Parramatta 4PSQ Office, PARRAMATTA

0477749143

Date issued

Inspector's work address

Inspector's contact number

This contravention must be remedied before:

3/04/2023

Service method:

E-Mail

Bryan Hynes

Person who owes the relevant duty

Notice given to

Relationship to person to whom notice is issued

Copy of Notice given to

Relationship to person to whom notice is issued

Extension of time for compliance with improvement notice

Improvement notices may include directions concerning the measures which must be taken within the time period set out in the notice. You must take those measures within the time period. If there is some practical reason why you cannot comply with the notice in that time (for example, you are relying on a third party supplying something and they do not deliver it), you may seek an extension of the time period by contacting the inspector who issued you with the notice. The inspector's name and telephone number are on the notice. Please note that an inspector can only extend the time period to comply with the notice if the period specified in the notice (or any further period as extended by the inspector in writing) has not ended.

Internal review of decision

If a decision to issue an improvement notice was made by an inspector, an eligible person may apply for an internal review of that decision.

An eligible person is:

1. The person to whom the notice was issued.
2. A person conducting a business or undertaking whose interests are affected by the decision.
3. A worker whose interests are affected by the decision.
4. A health and safety representative who represents a worker whose interests are affected by the decision.

How does a person apply for a review of a decision?

The person must complete the Application for Internal Review form, and lodge it with the Reviewable Decisions Team before the date specified on the improvement notice for compliance has expired or 14 days, whichever is the lesser. There is no application fee.

The operation of the improvement notice is stayed (that is suspend) once the application for review of decision is lodged. The stay remains in effect until a decision is made on the internal review or whichever of the following is earlier - an external review is applied for or 14 days have elapsed since the person became aware of the SafeWork NSW decision.

Please contact the Reviewable Decisions Team on (02) 4724 4920 or email revdec@customerservice.nsw.gov.au or post to PO Box 972 Parramatta NSW 2124. You can also find the application form on www.safework.nsw.gov.au.

What happens next?

Your application will be reviewed within 14 days unless additional information is required. You will receive written confirmation of the result of the internal review including the reasons for the decision.

External review

If a decision to issue an improvement notice was made by SafeWork NSW or the Reviewable Decisions Team has made a decision on internal review, an eligible person may apply to Industrial Relations Commission for an external review of the decision. An external review application must be made within 14 days of the decision first coming to the applicant's notice, or if the regulator is required by the Commission to give the person a statement of reasons, within 14 days after the day on which the statement is provided.

Please refer to www.safework.nsw.gov.au for more information on how to apply for an external review.

Privacy collection statement

This information is collected by SafeWork NSW for the purposes of the Work Health and Safety Act 2011. SafeWork will use this information for the purposes of establishing and maintaining a database and to assist the SafeWork inspectorate with their work. This information may also be made available to other government agencies.

You may apply to SafeWork to access and correct any of your own personal information SafeWork holds if that information is inaccurate, incomplete, not relevant or out of date. Applications should be made in writing to: Privacy Contact Officer, SafeWork NSW Head Office, Locked Bag 2906, Lisarow, NSW 2252.

An inspector may make minor technical changes to this notice in certain circumstances. This does not change the validity of the notice.