



Australian Government
Comcare

INSPECTOR REPORT

COMCARE REFERENCE	MC00009015	Report No.	1
PCBU DETAILS	Name Address ABN ACN	Australian Federal Police (AFP) GPO Box 401, CANBERRA, ACT 17 864 931 143	
REPORT ISSUED TO	Name Position	s 47F Assistant Commissioner – People, Safety and Security	
COPY OF REPORT GIVEN TO	Name Position	s 47F Coordinator – Work Health and Safety	
RELEVANT WORKPLACE/S OR WORKSITE	Name Address Date	Edmund Barton Building (EBB) s 47E(d) 9 December 2018	
INSPECTOR	Name	s 22	
OTHER PERSONS ATTENDING WITH INSPECTOR	Name Position	s 22 Inspector	

PURPOSE

- The purpose of the Inspection is to assess compliance with the *Work Health and Safety Act 2011 (WHS Act)* and *Work Health and Safety Regulations 2011 (Cth) (WHS Regulations)* in relation to the death of a worker that occurred at the AFP National Headquarters Edmund Barton Building (EBB) on 9 December 2018 (**the incident**).
- On 9 December 2018, the AFP notified Comcare of the incident via telephone. Comcare received written notification of the incident from the AFP the same day. The AFP's notifications advised that a worker had committed suicide in one of the EBB armouries using s 47F AFP-issued firearm.
- Comcare commenced an Inspection in relation to the incident on 10 December 2018 under Comcare reference MC00009015 (**the Inspection**).

OUTCOMES

- Based upon the review of the information made available in the conduct of the Inspection, I formed a reasonable belief that the Person Conducting a Business or Undertaking (PCBU), complied with their duties under the WHS Act and WHS Regulations with respect to the scope of this inspection.

Corrective action/s

- The AFP reviewed its controls in response to the incident and developed a corrective action plan to implement the necessary enduring controls, specifically, to restrict after-hours access to AFP armouries by workers without

an operational need. The implementation of the revised controls across the AFP's operations was assessed and verified by Comcare under MC00009269.

6. While I am satisfied that this constitutes an appropriate response, the PCBU must now ensure that the duties pertaining to WHS regulations 37 and 38 are met in relation to both interim and enduring controls:
 - a. risks are either eliminated, and if not possible to do so, are reduced so far as reasonably practicable
 - b. the controls are effective, in place, and used
 - c. where relevant the lessons are applied across the organisation.
7. Comcare has registered an interest with the ACT Coroner's Office in relation of this matter. The inquiry is yet to be finalised. Comcare will review the outcomes of the inquiry to determine what, if any, further regulatory response is warranted.
8. The inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the duty holders have exercised due diligence to ensure the application and ongoing effectiveness of these controls.

Future actions

9. Comcare will conduct a verification inspection (MC00009269-VR01) in February 2020 to assess the AFP's progress against, and completion of, recommendations arising from both the AFP's National and ACT Policing firearms access reviews.

COMPLIANCE ASSESSMENT

Workplace

10. The EBB was a workplace in accordance Part 1 Division 3 Section 8 of the WHS Act as demonstrated by:
 - a. Written notification of the incident received by Comcare on 9 December 2019 identifying the EBB as the workplace and incident location;
 - b. It being a location that a worker goes, or is likely to be, while at work; and
 - c. The EBB is the AFP's National Headquarters and was the worker's usual place of work.

Persons Conducting a Business or Undertaking (PCBU)

11. The PCBU in accordance with Part 1 Division 3 Section 5 of the WHS Act is the Commonwealth of Australia in the right of the Australian Federal Police (AFP) as demonstrated by:
 - a. ABN 17 864 931 143
 - b. Written notification of the incident received by Comcare on 9 December 2018 identifying the AFP as the PCBU for this incident.

Implementation of revised Controls

12. On 11 December 2018 Comcare's Executive Management team and representatives from Regional Operations ACT met with senior AFP representatives to discuss the AFP's response to the incident. During that meeting the AFP advised that they would implement revised access control processes across the organisation, with the exception of ACT Policing, to restrict off-duty workers from accessing AFP-issued firearms without an operational need.
13. On 20 December 2018 Inspector s 22 and I conducted an inspection of the armouries at EBB and the AFP's s 47E(d) to confirm the local implementation of the revised access control procedures.
14. On 25 June 2019 Comcare commenced a national inspection program under MC00009269 to verify the implementation of the revised access control procedures across a sample of AFP workplaces. The Inspector report in relation to the national inspection program was issued to the AFP on 25 October 2019.

Inspector Actions/Observations

I considered the requirements of Comcare's [Compliance and Enforcement Policy](#) in relation to this matter.

15. On 11 February 2019 I issued the AFP with a s. 155 Notice requiring the production of documents and information (MC00009015-NT01).
16. On 27 September 2019 I issued a further s. 155 Notice to obtain additional documents and information (MC00009015-NT02).
17. Based upon the information reviewed, I noted control measures implemented by the AFP as PCBU prior to the incident were:
s 47E(d)

s 47E(d)

s 47E(d)

POWER EXERCISED (if any)

Section of Act	Nature of Inspector action/decision
160(f)	to monitor compliance with the WHS Act

COMPLIANCE STATUS OF PREVIOUSLY ISSUED NOTICES (if any)

Notice	Description	Status
MC00009015-NT02	S155 (2)(a)(b) Body Corporate	Complied with
MC00009015-NT01	S155 (2)(a)(b) Body Corporate	Complied with

REPORT	Inspector:	s 22	Phone:	s 22
ISSUED BY	Email:	s 22 @comcare.gov.au	Region:	ACT
INSPECTOR'S SIGNATURE	s 22 Signature:		Date: 24/01/2020	

DISCLAIMER

This report contains information that may assist you take steps regarding your obligations under the WHS Act. You must refer to the Commonwealth *Work Health and Safety Act 2011* (**WHS Act**) and the *Work Health and Safety Regulations 2011* (**WHS Regulations**) to understand your duties and obligations. Comcare's external website contains hyperlinks to WHS Act legislation.

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NEED HELP?

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REVIEW OF DECISIONS

Where a Decision Maker Review is unsatisfactory, the recipient of the report should seek independent legal advice on review rights.

PRIVACY STATEMENT

Your privacy is important to us. Comcare will only collect, use or disclose personal information in accordance with the Commonwealth *Privacy Act 1988* and if it is reasonably necessary for, or directly related to, one or more of our functions, powers and/or activities. These include functions and activities under the following Commonwealth legislation: *Safety, Rehabilitation and Compensation Act 1988*, the WHS Act, the *Seafarer's Rehabilitation and Compensation Act 1992*, and the *Asbestos-related Claims (Management of Commonwealth Liabilities) Act 2005*. If Comcare does not collect personal information from you, for the purposes of its legislated functions or related functions, we may not be able to respond appropriately.

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- a court or tribunal
- state or territory work health and safety regulatory agencies
- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
- any other person assisting Comcare in the performance of its functions or exercise of its powers, including contractors and consultants
- any other person where there is an obligation under law to do so (for example but not limited to, responding to the direction of a court to produce documentation).

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INSPECTOR REPORT

COMCARE REFERENCE	MC00009269-VR01	Report No.	1
PCBU DETAILS	Name Address ABN ACN	Australian Federal Police (AFP) GPO Box 401, CANBERRA, ACT 17864931143	
REPORT ISSUED TO	Name Position	s 47F Manager – Organisational Health	
COPY OF REPORT GIVEN TO	Name Position Name Position	s 47F Coordinator – WHS, AFP D/ Superintendents 47F Coordinator - Operations	
RELEVANT WORKPLACE/S OR WORKSITE	Name Address Date	Edmund Barton Building (EBB) s 47E(d) 5 March 2020	
INSPECTOR	Name	s 22	
OTHER PERSONS ATTENDING WITH INSPECTOR	Name Position Name Position	s 22 Regional Director, ACT s 22 Inspector	

PURPOSE

- The purpose of this verification inspection is to assess and monitor the AFP's response to the recommendations arising from its *National Firearms Access Review* and *ACT Policing Storage, Issue and Return Review*.
- Between February 2017 and December 2018, s 47F AFP members committed suicide in AFP workplaces after accessing their AFP-issued firearms. On 11 December 2018 at a meeting with Comcare's Executive Management team and Regional Operations – ACT representatives, the AFP advised that they would implement revised access control procedures across the organisation with an aim of restricting off-duty workers from accessing AFP-issued firearms without an operational need.
- On 20 December 2018 Comcare conducted an inspection of the armouries at the EBB and the s 47E(d) to confirm the implementation of the revised access control procedures. On 25 June 2019 Comcare commenced a national inspection program (MC00009269) to verify the implementation of the revised access controls and procedures across a sample of AFP workplaces. On 25 October 2019, Comcare issued an Inspector Report for MC00009269, noting that the AFP had undertaken the following reviews in relation to the management of firearms access control across its organisation:

- i. **National Firearms Access Review** – July 2019
 - ii. **ACT Policing Storage, Issue and Return Review** – May 2019
4. On 3 February 2020 Comcare commenced a Verification Inspection to monitor the AFP's progress against the recommendations arising from the abovementioned reviews, and to assess compliance with the *Work Health and Safety Act 2011 (WHS Act)* and *Work Health and Safety Regulations 2011 (Cth) (WHS Regulations)*.

OUTCOMES

5. The AFP has fully implemented the following recommendations arising from the **National Firearms Access Review**:
- Recommendation 1** – National Guideline on Controlled Items amended and Commissioner's Orders on Operations Safety (CO3) updated to include the storage and transport of controlled items
 - Recommendation 2** – National Guideline on Competency or Qualification Requirements for Police and Protective Services Officers revoked and the required elevated to CO3.
 - Recommendation 4** – The AFP has restructured its governance arrangements and the "Responsible Officer" for the purposes of CO3 is now the Assistant Commissioner – Northern Command.
 - Recommendation 5** – the Operational Safety and Security Working Group (OSSWG) has been re-formed as the Operations Safety Committee (OSC). The OSC and the AFP's National Safety Committee report to the People Committee.
 - Recommendation 6** – The AFP provided supporting documents relating to the systems it has implemented for continuous monitoring of compliance with firearms surrender procedures (mental health triggers, OSA expiration etc)
 - Recommendation 7** – Site risk assessments and risk treatment plans have been completed with standardised templates developed to assist with the assessment processes.
 - Recommendation 9i** – AFP Security has published its list of endorsed firearms storage containers.
 - Recommendation 10** – AFP Security now manage the central database of all home storage approvals. The mental health of applicants is required to be considered by supervisors as part of the approval process. The supervisor must also visually verify the appropriate storage containers.
 - Recommendation 11** – The AFP provided an extract from the physical security brief relating to the renovation or development of new AFP sites. The brief stipulates additional requirements for CCTV and access control protocols.
 - Recommendation 12i** – CO3 amended to escalate responsibilities to supervisors for appointees who are subject to OSA expiration, exemption or revocation.
 - Recommendation 12ii** – Exemption provisions under CO3 have been re-classified to address exemptions related to Health, Leave, Manager or deployment reasons.
 - Recommendation 12iii** – The list of Authorised Officers who can initiate an exemption has been expanded
 - Recommendation 14** – The AFP has advised that it had communicated the amendments to CO3 to all staff and reminded them of the potential implications for non-compliance.

6. The AFP has fully implemented the following recommendations arising from the ***ACT Policing Storage, Issue and Return Review***:
- Recommendation 1** – Periodic psychological testing of ACT Policing members has been implemented with a revised risk assessment to determine timeframes on a work area basis.
- Recommendation 5** – Rollout of signage promoting mental health support services in firearm storage locations has been completed.
7. The AFP has demonstrated progress against the implementation of the recommendations arising from the ***National Firearms Access Review***:
- Recommendation 8** – Ongoing. Linked to Recommendation 7; where the decided, the AFP is transitioning from time restricted access to dual swipe access - date to be advised.
- Recommendation 9ii** – Ongoing. The AFP have advised that the list of approved containers, tethers, locks and unloading devices has been compiled and was awaiting approval and publication – date to be advised.
- Recommendation 13** – Ongoing. AFP are supporting the in-house development of a single interface for the management of OSA Qualifications, Exemptions and Revocations, Home Storage approvals etc. thru Insight – date to be advised.
8. The AFP has demonstrated progress against the implementation of the recommendations arising from the ***ACT Policing Storage, Issue and Return Review***:
- Recommendation 2** – Ongoing. Procurement and management of the rekeying of ACT Policing's firearms lockers is being managed separately by the AFP; consideration is also being given to Technology Enabled Physical Item Tracking (TEPIT).
- Recommendation 3** – As at the meeting on 13 March 2020, ACT Policing advised that the signage had been installed and approximately 50% of the area identified were adequately covered by CCTV with the remainder expected to be completed by April 2020. A further review of the CCTV cameras was to be undertaken.
9. The AFP has rejected / decided against the following recommendations:
- Recommendation 3 - National Firearms Access Review** – The AFP has rejected Recommendation 3 and has maintained its dual access approach, where it has been implemented.
- Recommendation 12iv 3 - National Firearms Access Review** – The AFP advised that the review of the requirements for AFP appointees to wear accoutrements in AFP offices and linking the requirements to AFP Security Alert Levels had not be undertaken and there had been no change to those requirements.
- Recommendation 4 – ACT Policing Storage, Issue and Return Review** – ACT Policing has recommended reconsideration of the expansion of the Peer Support Officer Network, which would have been achieved by training two operational members from each station as Peer Support Officers. This is to be detailed in a brief to the ACT Policing Executive, noting other mental health initiatives also underway.
10. While I am satisfied that this constitutes an appropriate response, the PCBU must now ensure that the duties pertaining to WHS regulations 37 and 38 are met and that:
- a. risks are either eliminated, and if not possible to do so, are reduced so far as reasonably practicable.
 - b. the controls are effective, in place, and used.

c. where relevant, the lessons are applied across the organisation.

11. Comcare will commence a further verification inspection in August 2020 to assess the AFP's continuing progress against, and completion of, the outstanding recommendations arising from both reviews listed at paragraphs 7 and 8 of this report.

COMPLIANCE ASSESSMENT

12. On 5 March 2020, I attended the EBB in the conduct of the Verification Inspection through voluntary agreement. I was accompanied by Inspector s 22 (Regional Director – Comcare).
13. Inspector s 22 and I met with the following AFP representatives to discuss the AFP's progress against the recommendations arising from the National Firearms Access Review: s 47F, s 47F, s 47F, s 47F, and s 47F. Supporting information was provided via email following the meeting.
14. On 13 March 2020, I attended the s 47E(d) ACT in the conduct of the Verification Inspection through voluntary agreement. I was accompanied by Inspector s 22.
15. Inspector s 22 and I met with the following ACT Policing representatives to discuss the ACT Policing's progress against the recommendations arising from the ACT Policing Storage, Issue and Return Review: s 47F and s 47F. Supporting information was provided via email following the meeting.
16. It was noted that the ability of AFP (and ACT Policing) to effectively address and implement the recommendations arising from both reviews was adversely affected by several external factors, including the ACT bushfires and COVID 19.

POWER EXERCISED (if any)

Section of Act	Nature of Inspector action/decision
None	Not exercised

COMPLIANCE STATUS OF PREVIOUSLY ISSUED NOTICES (if any)

Notice	Description	Status
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REPORT	Inspector:	s 22	Phone:	s 22
ISSUED BY	Email:	s 22 @comcare.gov.au	Region:	ACT
INSPECTOR'S SIGNATURE	Signature:	s 22	Date:	13/07/2020

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REVIEW OF DECISIONS

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- a court or tribunal
- state or territory work health and safety regulatory agencies
- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
- any other person assisting Comcare in the performance of its functions or exercise of its powers, including contractors and consultants
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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00009269-VR02
PCBU DETAILS	Name: Australian Federal Police ABN: 17864931143 ACN:
REPORT ISSUED TO	Name: s 47F Position: Team Leader Injury Prevention, SHIELD, AFP Cc: s 47F Position: WHS Advisor – MDT 5, SHIELD, AFP
BACKGROUND	
<ol style="list-style-type: none"> 1. The purpose of this inspection is to assess and monitor the Australian Federal Police's (AFP) response to outstanding recommendations arising from its <i>National Firearms Access Review July 2019 -Report</i> and <i>2019 ACT Policing Firearms Storage, Issue and Return Review (the Reviews)</i>. 2. Between February 2017 and December 2018, s 47F AFP members committed suicide in AFP workplaces after accessing their AFP-issued firearms. In June 2019 Comcare conducted a national inspection program (MC00009269) to verify the implementation of revised access control procedures for AFP-issued firearms. 3. On 25 October 2019 Comcare issued an Inspector Report for MC00009269 noting the AFP had undertaken the Reviews, in relation to the management of firearms access control across its organisation. The Inspector Report advised that a Verification Inspection would be undertaken to monitor the AFPs progress of implementing the recommendations contained within the Reviews. 4. On 13 July 2020 Comcare issued Inspector Report MC00009269-VR01 noting the progress AFP had made against the implementation of recommendations contained in the Reviews and advising a subsequent Verification Inspection would be undertaken to assess the continuing progress against, and completion of, the outstanding recommendations arising from the Reviews. 5. On 4 May 2021 Comcare commenced this Verification Inspection to ensure the outstanding recommendations had progressed, or been completed, where practicable; and to enforce compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act) and the <i>Work Health and Safety Regulations 2011</i> (Cth) (WHS Regs). 	



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OUTCOMES

6. Based on the information reviewed during the inspection, I formed the belief that the PCBU has considered the recommendations contained within the Reviews and implemented measures for better practice where warranted.
7. It is important to understand that the outcomes of this monitoring compliance activity should not be considered a validation of the PCBU's policies/procedures or their effectiveness. The PCBU should ensure that the requirements of the *Code of Practice (CoP): How to manage work health and safety risks* are met.

Information and advice

8. The PCBU should ensure any learnings arising from the Reviews and monitoring compliance activities are applied across the organisation where applicable.
9. The inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the PCBU has ensured appropriate control measures are implemented and are maintained so that they remain effective.

COMPLIANCE ASSESSMENT

10. On 5 May 2022 I met with AFP representatives at the Edmund Barton Building, Barton, ACT in the conduct of the Verification Inspection through voluntary agreement, to outline the program of site visits to be undertaken by Comcare.
11. Between 14 June and 12 August 2022 Comcare conducted site visits at AFP armouries in the ACT, NSW and QLD using a checklist to verify the implementation of outstanding recommendations from the Reviews. The checklist was provided to the AFP to facilitate checking outstanding recommendations at AFP locations not the subject of Comcare site visits.
12. The following observations were common during the Comcare site visits:
 - Lack of Risk Assessment Treatment Plans undertaken
 - Lack of signage relating to access controls
 - Lack of wellbeing posters displayed
 - Lack of signage advising CCTV in operation
 - Lock and keys on firearm lockers not replaced



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While these issues may not be specific breaches of the WHS Act or WHS Regulations, they may indicate areas for improvement in the AFP WHS Management System.

13. Specific issues noted during site visits:

s 47E(d)



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AFP actions

14. In addition to the AFP undertaking armoury inspections at locations nationally, an internal audit on Controlled Items has been conducted. The AFP are awaiting the endorsement of the recommendations from their Audit and Risk Committee (ARC) and expect some commonalities across findings and corrective actions from the audit and armoury inspections. Once finalised, the findings and implementation of recommendations from the audit will continue to be monitored by the ARC.

Subsequent actions

15. The AFP has developed a Corrective Action Plan detailing how it intends to address issues raised through the Comcare site visits.

- **RATP:**

AFPs Injury Prevention Team (IPT) has received additional RATPs from work sites not previously provided. The RATP template will be reviewed to ensure currency and include ballistic certification requirements. The IPT will ensure each work site has a current RATP completed and maintain the Risk Register initially.

Long term actions include implementing recommendations from the Controlled Items audit to ensure ongoing verification of risk management practices for armouries; implementation of a digital RATP process to provide assurance to AFP Executive around annual conduct and review of RATPs.

- **Lock and keys:**

Issues initially identified through ACT Policing Review. AFP to apply learnings across and consider undertaking an audit of all AFP sites to verify key and lock issues. The AFPs Controlled Items audit will identify a responsible business area to maintain ongoing management of armouries and controlled items.

- **Off-shift access/return of firearms:**

Issues at The Lodge in relation to the return of firearms post-shift have been addressed on site, with a formal register and Supervisor checking system being implemented. The AFP Commissioners Order on Operational Safety (CO3) is to be revised to reflect the updated required firearm procedure at commencement and completion of shift, as well as after hours. Information currently located on the AFPs 'Armoury Access' hub page is to be officially included in AFP governance framework.



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Once CO3 is updated as above, an all-staff communication/instruction will be sent from the Operational Safety Committee reminding all operational members of their obligations to ensure firearms are managed in accordance with CO3.

16. The AFP also advised that the Corrective Action Plan was developed through collaboration across the organisation, with ongoing responsibility for long-term implementation to be managed through agreement between the Manager – SHIELD Capability and Strategy, the National Manager, People and Culture and five other key corporate and operational Commanders/Managers. This demonstrates the ongoing commitment to consultation, cooperation, and coordination throughout the PCBU.

17. It is my reasonable belief that the actions taken, being taken, and planned (Corrective Action Plan) by the AFP to address the issues raised in this Verification Inspection are being addressed by the PCBU to reduce risks to health and safety, so far as is reasonably practicable.

18. A further verification inspection is not required

REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s 22
	Email	s 22 @comcare.gov.au
	Phone	s 22
	Date	27 September 2022
	Signature	s 22



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IF YOU DO NOT AGREE WITH A DECISION

If you disagree with the outcome of this inspection, you may seek an internal reconsideration of the inspector's decision. A request for a review should be sent to statutory.oversight@comcare.gov.au including any additional information or evidence you have to support your request. Comcare will review your request and advise of the outcome in writing within 20 business days.

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INSPECTOR REPORT

COMCARE REFERENCE	MC00010552	Report No.	1
PCBU DETAILS	Name Address ABN ACN	Australian Federal Police (AFP) GPO Box 401, CANBERRA, ACT 17864931143	
REPORT ISSUED TO	Name Position	s 47F Coordinator – WHS, AFP	
COPY OF REPORT GIVEN TO	Name Position		
RELEVANT WORKPLACE/S OR WORKSITE	Name Address Date	AFP Forensics, Majura Complex s 47E(d)	
INSPECTOR	Name	s 22	
OTHER PERSONS ATTENDING WITH INSPECTOR	Name Position		

PURPOSE

- The purpose of the Inspection is to assess compliance with the *Work Health and Safety Act 2011 (WHS Act)* and *Work Health and Safety Regulations 2011 (Cth) (WHS Regulations)* in relation to the incident (**the incident**).
- On 22 March 2019 Comcare received notification of a work health safety concern in relation to the AFP management of the mental health of workers in its Digital Forensics teams. The notification stated, in part,

“The AFP has been operating in contravention of the Work Health and Safety Act 2011 by not complying with its own guideline MOH019 - Managing the Psychological Health Impact on Staff from Explicit Material first published on 20th April 2017 by not conducting mandatory annual mental health assessments.”
- Comcare received written notification, in the form of AFP Workplace Incident Report #24419, on 25 March 2019.
- An Inspection (the Inspection) in relation to the concern commenced on 4 April 2019.

OUTCOMES

- Based upon the review of the information made available in the conduct of the Inspection, I formed a reasonable belief that the PCBU did not comply with their duties under the WHS Act.
- The PCBU has contravened section 19(3)(c) of the WHS Act. Section 19(3)(c) of the WHS Act provides that a PCBU must ensure, so far as is reasonably practicable, the provision and maintenance of safe systems of work.

s 47E(d)

Corrective action/s

7. While I am satisfied that this constitutes an appropriate response, the PCBU must now ensure that the duties pertaining to WHS regulations 37 and 38 are met in relation to both interim and enduring controls:
 - a. risks are either eliminated, and if not possible to do so, are reduced so far as reasonably practicable
 - b. the controls are effective, in place, and used

c. where relevant the lessons are applied across the organisation.

8. The Inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the PCBU and its Officers have exercised due diligence to ensure the application and ongoing effectiveness of these controls.

COMPLIANCE ASSESSMENT

9. I determined a site visit was not necessary to examine the allegation raised by the complainant and sufficient information was able to be obtained through the use of my statutory powers.
10. Based upon the information reviewed, I noted control measures implemented by the PCBU prior to WHS concern being raised to Comcare were,
- s 47E(d)

POWER EXERCISED (if any)

Section of Act	Nature of Inspector action/decision
None	Not exercised

COMPLIANCE STATUS OF PREVIOUSLY ISSUED NOTICES (if any)

Notice	Description	Status
MC00010552 -NT02	S155 (2)(a)(b) Body Corporate	None
MC00010552 -NT01	S155 (2)(a)(b) Body Corporate	None

REPORT	Inspector:	s 22	Phone:	s 22
ISSUED BY	Email:	s 22 @comcare.gov.au	Region:	ACT
INSPECTOR'S SIGNATURE	Signature:	s 22	Date:	2/09/2020

DISCLAIMER

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REVIEW OF DECISIONS

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PRIVACY STATEMENT

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In exercising our functions and powers, Comcare may disclose personal information, subject to confidentiality of information provisions under the WHS Act, to the following bodies and agencies, including but not limited to:

- Comcare's internal and external legal advisers
- the Safety, Rehabilitation and Compensation Commission
- a court or tribunal
- state or territory work health and safety regulatory agencies
- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
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INSPECTOR REPORT

COMCARE REFERENCE	MC00011985	Report No.	1
PCBU DETAILS	Name Address ABN ACN	Australian Federal Police GPO Box 401, CANBERRA, ACT 17864931143	
REPORT ISSUED TO	Name Position	s 47F Coordinator Injury Prevention People and Wellbeing - AFP	
COPY OF REPORT GIVEN TO	Name Position		
RELEVANT WORKPLACE/S OR WORKSITE	Name Address Date	Rydges Capital Hill 17 Canberra Avenue, Forrest ACT 2603.	
INSPECTOR	Name	s 22	
OTHER PERSONS ATTENDING WITH INSPECTOR	Name Position	s 22 Senior Inspector	

PURPOSE

- The purpose of the Inspection is to assess compliance with the *Work Health and Safety Act 2011 (WHS Act)* and *Work Health and Safety Regulations 2011 (Cth) (WHS Regulations)* in relation to the incident (**the incident**).
- On the 2 July 2019 at 11.52am, Comcare received notification of an incident that occurred at the Rydges Capitol Hill Hotel, 17 Canberra Ave, Forrest ACT 2603 on the 2 July 2019. The notification stated, in part, *"Member was located in s 47F hotel room by a colleague. Suspected suicide by firearm. More detail to be provided once known."*
- On 2 July 2019, Comcare commenced an Inspection (**the Inspection**) in relation to the incident under Comcare reference MC00011985. On the 16 March 2020, Comcare escalated the Inspection to an investigation. Based on the available information, on the 25 November 2020, Comcare de-escalated the matter to an inspection.

OUTCOMES

- Based upon the review of the information made available in the conduct of the Inspection, I formed a reasonable belief that the Person Conducting a Business or Undertaking (PCBU) complied with its duties under the WHS Act with respect to the scope of this inspection; specifically s.19(1) and whether the AFP, or

its officers had failed to comply with a health and safety duty in accordance with s.19(3)(c and/or s.19(3)(d) WHS Act, for the storage of firearms by Air Security Officers (ASO's).

5. Information obtained during the investigation, indicated that:

s 47E(d)

Future action:

8. Comcare will conduct a Verification Inspection in early August 2021 to verify completion of the actions identified at paragraph 6, including but not limited to ensuring that the expected WHS results were achieved.
9. The Inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the PCBU and Officers of the PCBU have exercised due diligence to ensure the application and ongoing effectiveness of relevant controls.

COMPLIANCE ASSESSMENT

10. I determined a site visit was not necessary to examine the incident scene and sufficient information was able to be obtained using my statutory powers. I note that the ACT Police found no suspicious circumstances surrounding the death of the deceased.
11. Throughout the conduct of this inspection, Comcare exercised powers under the WHS Act in relation to s.155 (power to obtain information) and s.171 (power to require the production of documents and answer questions) on several occasions. In all instances, the AFP provided information and cooperated with all requests made by Comcare Inspectors. On the 2 November 2020, the ACT Coroners Court provided information in response to a request for information.
12. I considered the potential detrimental impact of engaging with the deceased's co-worker. I decided to minimise engagement with the co-worker to the extent practicable. I subsequently determined that, noting the risk, I had enough information to preclude engaging with the co-worker.

s 47E(d)

s 47E(d)

s 47E(d)

s 47E(d)

35. I note that information obtained through the Comcare investigation may be sought by, and at the discretion of, the ACT Coroner.

POWER EXERCISED (if any)

Section of Act	Nature of Inspector action/decision
None	Not exercised

COMPLIANCE STATUS OF PREVIOUSLY ISSUED NOTICES (if any)

Notice	Description	Status
MC00011985-NT01	S155 (2)(a)(b) Body Corporate	None
MC00011985-NT02	S155 (2)(a)(b) Body Corporate	None
MC00011985-NT03	S155 (2)(a)(b) Body Corporate	None
MC00011985-NT04	S155 (2)(a)(b) Body Corporate	None

REPORT	Inspector:	s 47F	Phone:	s 47F
ISSUED BY	Email:	s 47F @comcare.gov.au	Region:	ACT
INSPECTOR'S SIGNATURE	s 22 Signature:		Date: 10/03/2021	

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- enforcement agencies or bodies
- state and territory Coroners
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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00011985-VR01
PCBU DETAILS	Name: Australian Federal Police ABN: 17864931143 ACN:
REPORT ISSUED TO	Name: s 47F Position: Team Leader Injury and Prevention, AFP Cc:
BACKGROUND	
<ol style="list-style-type: none"> On 2 July 2019 Comcare received a notification regarding an incident that occurred at the Rydges Capitol Hill Hotel, 17 Canberra Avenue, Forrest ACT. The notification stated, in part: <i>'Member was located in his hotel room by a colleague. Suspected suicide by firearm.'</i> Comcare commenced an inspection under MC00011985 in relation to this matter. On 10 March 2021 Comcare issued an Inspector Report for MC00011985 providing WHS advice for the PCBU to consider and advising that Comcare would complete a Verification Inspection to verify the completion of the actions identified in the Inspector Report. On 22 August 2021 Comcare commenced a Verification Inspection to monitor the AFPs progress against the advice provided, and to enforce compliance with the <i>Work Health and Safety Act 2011 (Cth) (WHS Act)</i> and the <i>Work Health and Safety Regulations 2011 (Cth) (WHS Regs)</i>, if required. 	
OUTCOMES	
<ol style="list-style-type: none"> Based on the information reviewed during the inspection, I formed the belief that the PCBU has considered the advice provided in the Inspector Report for MC00011985 and implemented measures for better practice where warranted. <p>Information and advice</p> <ol style="list-style-type: none"> The PCBU should apply any learnings arising from the incident across the organisation where applicable. The inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the PCBU has ensured appropriate control measures are implemented and are maintained so that they remain effective. 	



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COMPLIANCE ASSESSMENT

8. I met with AFP representatives at the Edmund Barton Building, Barton, ACT in the conduct of the Verification Inspection through voluntary agreement on 5 May 2022.
9. During the Verification Inspection, I observed the following, verifying the AFP considered and implemented the advice previously provided by Comcare:

- a. The AFP finalised and endorsed the Discreet Operations (DO) Training Handbook (replacing the Air Security Officers (ASO) Handbook), along with Standard Operating Procedures on DO Domestic and International Operations. The AFP Learning Coordination Centre re-endorsed the DO curriculum in October 2020. The AFP will complete further reviews of the Learning and Development Program in October 2023.

- b. The AFP developed an *'Acknowledgement of the member's understanding of, and compliance with the AFP National Guideline on controlled items'* Instrument, extracting requisite guidance from *AFP Commissioners Order on Operational Safety (CO3)* and the AFP National Guideline (NG) on controlled items.

All DO members have read and signed this instrument confirming their acknowledgement, understanding and compliance as per the NG on controlled items. Members will renew their acknowledgement annually, coinciding with their Operational Safety Assessment revalidation. Supervisors are responsible for monitoring members' compliance. The relevant DO Inspector holds hard copies of the signed acknowledgments on file

The AFP amended the January-March 2020 DO Foundation Training Program to include specific instructions to reiterate to participants their obligations under CO3 for controlled items, including domestic overnight travel.

- c. Commander s 47F prepared Executive Briefing EC21-001599 - *Specialist Operations Change Management Update* (undated). The briefing outlined an urgent need to reflect on the way in which the AFP implemented major change initiatives in the Specialist Response Group, as outlined in the Comcare investigation into the workplace incident (MC00011985).

The briefing states that the review undertaken shows that the Specialist Operations Culture Change Program and changes to training programs appear productive and positive, with anecdotal success through:

- the decrease in Professional Standards referrals
- an increase in workplace resolution to indifferences in the workplace



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- a decrease in stress related absences
- positive feedback in Specialist Operations (SO).

The AFP will share the contents of the briefing with the AFP Organisational Health and the SO Cultural Improvement Board.

- d. As this matter is currently before the ACT Coroner, AFP Professional Standards has not commenced an investigation. Consideration and scope of any investigation will follow the outcome of the Coronial investigation

10. A further verification inspection is not required.

REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s 22
	Email	s 22 @comcare.gov.au
	Phone	s 22
	Date	24 May 2022
	Signature	s 22



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IF YOU DO NOT AGREE WITH A DECISION

If you disagree with the outcome of this inspection, you may seek an internal reconsideration of the inspector's decision. A request for a review should be sent to statutory.oversight@comcare.gov.au including any additional information or evidence you have to support your request. Comcare will review your request and advise of the outcome in writing within 20 business days.

If you would like to clarify any aspect of this report, you can contact the inspector directly.

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INSPECTOR REPORT

COMCARE REFERENCE	MC00014188	Report No.	1
PCBU DETAILS	Name Address ABN ACN	Australian Federal Police GPO Box 401, CANBERRA, ACT 17 864 931 143	
REPORT ISSUED TO	Name Position	s 47F Commander - Specialist Response Group (SRG)	
COPY OF REPORT GIVEN TO	Name Position	s 47F A/g Manager – Organisational Health	
RELEVANT WORKPLACE/S OR WORKSITE	Name Address Date	s 47E(d) – AFP Majura Complex s 47E(d) 14 November 2019	
INSPECTOR	Name	s 22	
OTHER PERSONS ATTENDING WITH INSPECTOR	Name Position	s 22 Inspector	

PURPOSE

- The purpose of the Inspection is to assess compliance with the *Work Health and Safety Act 2011 (WHS Act)* and *Work Health and Safety Regulations 2011 (Cth) (WHS Regulations)* in relation to the incident (**the incident**).
- On 11 November 2019 Comcare received written notification of an incident that occurred at the SRG shed within the AFP Majura Complex on 8 November 2019. The notification stated, in part,

s 47F
- An Inspection (the Inspection) in relation to the incident commenced on 14 November 2019 under Comcare reference MC00014188.

OUTCOMES

4. Based upon the review of the information made available in the conduct of the Inspection, I formed a reasonable belief that the Persons Conducting a Business or Undertaking (PCBU) did not comply with their duties under the WHS Act.
5. The PCBU has contravened the following section of the WHS Act:
 - a. Section 19(3)(c) of the WHS Act provides that a PCBU must provide and maintain a safe system of work. This obligation was not met as demonstrated by:
 - i. The PCBU permitted a system of work in which workers were permitted to carry and store a variety of less-than-lethal (thrown and launched) s 47E(d)

Corrective action/s

6. On 14 November 2019 the PCBU advised Inspector s 22 and I that as a result of this incident, and to ensure it was able to continue operational tasks, the PCBU implemented two interim controls to protect workers while handling and carrying less-than-lethal thrown munitions.
 - a. Where workers are issued with thrown munitions, workers were instructed to ensure that the munitions are s 47E(d)
 - b. Where workers are required to carry multiple less-than-lethal munitions for operations, the PCBU instructed workers that the s 47E(d)

The PCBU advised Comcare that the use of the s 47E(d)

The PCBU issued an OIC directive to all SRG Team Leaders requiring them to ensure worker compliance with the above control measures are applied by through regular workplace audits and prior to the commencement of operations.
7. The PCBU also identified a potential enduring control, being the modification of its operations bags to include MOLLE pouches to protect munitions from interference during transit.
8. On 1 May 2020, AFP representatives attended the Comcare offices to discuss the AFP's response to the incident and the review of its control measures. Further information was subsequently provided via email on 2 May 2020. The PCBU has advised that:

- a. it has sourced and distributed operational bags with appropriate MOLLE pouches for the safe transport of thrown munitions;
- b. it has developed an updated training package to support the OIC directive and revised carry and transport procedures
- c. it has engaged with a variety of similar organisations, including the Department of Defence, Victoria Police, Queensland Police and the Australian and New Zealand Counter Terrorism Committee (ANZCTC) in relation identifying safer and more effective munitions to improve the safety outcomes for its workers.

Compliance and enforcement action

- 9. Whilst I have formed the reasonable belief that the PCBU did not comply with their duties, I am of the opinion the PCBUs corrective preventative measures appear adequate in mitigating a recurrence. The PCBU should consider the potential impact on the safety culture of the organisation as part of their duty under section 27 of the WHS Act and undertake appropriate actions as required.
- 10. While I am satisfied that this constitutes an appropriate response, the PCBU must ensure that the duties pertaining to WHS regulations 37 and 38 are met in relation to both interim and enduring controls:
 - a. risks are either eliminated, and if not possible to do so, are reduced so far as reasonably practicable
 - b. the controls are effective, in place, and used
 - c. where relevant the lessons are applied across the organisation.
- 11. The inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the PCBU has exercised due diligence to ensure the application and ongoing effectiveness of these controls.

COMPLIANCE ASSESSMENT

Workplace

- 12. The location was a workplace in accordance Part 1 Division 3 Section 8 of the WHS Act as demonstrated by:
 - a. It being a location that a worker goes, or is likely to be, while at work; and
 - b. The s 47E(d) . At the time of the incident, the worker was preparing for a police operation.
 - c. Written notification of the incident received by Comcare on [date] identifying [location] as the workplace and incident location;

Person Conducting a Business or Undertaking (PCBU)

- 13. The PCBU in accordance with Part 1 Division 3 Section 5 of the WHS Act is the Commonwealth of Australia in the right of the AFP as demonstrated by:
 - a. ABN 17 864 931 143

- b. Written notification of the incident received by Comcare on 11 November 2019 identifying the AFP as the PCBU for this incident.

Officer

14. The Officer, in accordance with Part 1 Division 3 Section 4 of the WHS Act, is s 47F (Assistant Commissioner – National Support Command) as demonstrated by advice from the PCBU.
15. I attended the SRG Logistics shed with Inspector s 22 on 14 November 2020 through voluntary agreement. The site visit was conducted as an announced inspection.
16. While the PCBU did not preserve the incident site in accordance with section 39 of the WHS Act and scene release was not provided by a Comcare Inspector; it did take a number of photographs on the incident site, preserved all relevant items for examination by Inspectors and cleaned up the incident site to make the area safe for other workers. After viewing the items, I advised the PCBU that it was no longer necessary for the PCBU to retain them.
17. Based upon the information reviewed, I noted control measures implemented by the PCBU prior to the incident were:
- a. Relevant workers are provided with training for the operational handling and use of less than lethal munitions. This training is supported by relevant procedures.
18. s 47E(d)

POWER EXERCISED (if any)

Section of Act	Nature of Inspector action/decision
None	Not exercised

COMPLIANCE STATUS OF PREVIOUSLY ISSUED NOTICES (if any)

Notice	Description	Status
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REPORT	Inspector:	s 22	Phone:	s 22
ISSUED BY	Email:	s 22 @comcare.gov.au	Region:	ACT
INSPECTOR'S SIGNATURE	s 22 Signature:		Date: 6/05/2020	

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INSPECTOR REPORT

COMCARE REFERENCE	MC00014330	Report No.	
PCBU DETAILS	Name Address ABN ACN	Australian Federal Police (AFP) GPO Box 401, CANBERRA, ACT 17864931143	
REPORT ISSUED TO	Name Position	s 47F A/g Manager – Organisational Health, AFP	
COPY OF REPORT GIVEN TO	Name Position	s 47F Coordinator – Work Health and Safety, AFP	
RELEVANT WORKPLACE/S OR WORKSITE	Name Address Date	Edmund Barton Building s 47E(d)	
INSPECTOR	Name	s 22	
OTHER PERSONS ATTENDING WITH INSPECTOR	Name Position	s 22 Inspector	

PURPOSE

- The purpose of the Inspection is to assess compliance with the *Work Health and Safety Act 2011 (WHS Act)* and *Work Health and Safety Regulations 2011 (Cth) (WHS Regulations)* in relation to the incident (**the incident**).
- On 18 November 2019 Comcare received an allegation of bullying and harassment from an AFP worker. The AFP worker, s 47F, alleged, in part, that:
 - he had been subject to workplace bullying for s 47F, and
 - the AFP had failed in its duty to provide him a safe workplace following his return to work.
- Comcare received a statement of events from s 47F on 9 January 2020.
- An Inspection (the Inspection) in relation to the request commenced on 20 November 2019.

OUTCOMES

- Based upon the review of the information made available in the conduct of the Inspection, I formed a reasonable belief that the Persons Conducting Business or Undertaking (PCBU), the AFP, complied with their duties under the WHS Act with respect to the scope of this Inspection.

6. The Inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the PCBU has exercised due diligence to ensure the application and ongoing effectiveness of these controls.

COMPLIANCE ASSESSMENT

7. I determined a site visit was not necessary to examine the allegation raised by the complainant and sufficient information was able to be obtained through the use of my statutory powers.
8. During this inspection, s 47F advised that the PCBU had issued him with a show cause notice and subsequently terminated his employment, effective s 47F. s 47F provided a copy of the show cause notice and requested that it be considered in the inspection, along with his statement of events form and supporting documents. I have reviewed the notice and I am satisfied that it did not constitute discriminatory action taken for a prohibited reason as defined under Part 6 of the WHS Act, nor did it appear to meet the definition of bullying under Safe Work Australia's [Guide to Preventing and Responding to Workplace Bullying](#).
9. Based upon the information reviewed, I noted the following control measures implemented by the PCBU to manage the risks associated with workplace bullying and harassment (in general), as well as specific action taken with regards to s 47F :
s 47E(d)

s 47E(d)

POWER EXERCISED (if any)

Section of Act	Nature of Inspector action/decision
None	Not exercised

COMPLIANCE STATUS OF PREVIOUSLY ISSUED NOTICES (if any)

Notice	Description	Status
MC00014330 -NT01	S155 (2)(a)(b) Body Corporate	None

REPORT	Inspector:	s 22	Phone:	s 22
ISSUED BY	Email:	s 22 @comcare.gov.au	Region:	ACT
INSPECTOR'S SIGNATURE	s 22 Signature:		Date: 28/05/2020	

DISCLAIMER

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REVIEW OF DECISIONS

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PRIVACY STATEMENT

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- a court or tribunal
- state or territory work health and safety regulatory agencies
- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
- any other person assisting Comcare in the performance of its functions or exercise of its powers, including contractors and consultants
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INSPECTOR REPORT

COMCARE REFERENCE	MC00014514	Report No.	1
PCBU DETAILS	Name Address ABN ACN	Australian Federal Police (AFP) GPO Box 401, CANBERRA, ACT 17864931143	
REPORT ISSUED TO	Name Position	s 47F Assistant Commissioner – People, AFP	
COPY OF REPORT GIVEN TO	Name Position	s 47F Coordinator – WHS, AFP	
RELEVANT WORKPLACE/S OR WORKSITE	Name Address Date	Edmund Barton Building s 47E(d) ACT 26 November 2019	
INSPECTOR	Name	s 22	
OTHER PERSONS ATTENDING WITH INSPECTOR	Name Position	N/A N/A	

PURPOSE

- The purpose of the Inspection is to assess compliance with the *Work Health and Safety Act 2011 (WHS Act)* and *Work Health and Safety Regulations 2011 (Cth) (WHS Regulations)* in relation to the incident (**the incident**).
- On 26 November 2019 Comcare noted a media article reporting the death by suicide of a former AFP worker (s 47F) on 25 November 2019. The article stated that s 47F had sent news.com.au a document “...in which she accused the AFP and state policing of subjecting her to a toxic bullying culture...”
- An Inspection (the Inspection) in relation to the concerns raised in media article commenced on 27 November 2019.

OUTCOMES

- Based upon the review of the information made available in the conduct of the Inspection, I formed a reasonable belief that the PCBU complied with their duties under the WHS Act with respect to the scope of this inspection.
- Comcare has registered an interest with the Coroner’s Court of Victoria in relation of this matter. The inquiry is yet to be finalised. Comcare will review the outcomes of the inquiry to determine what, if any, further regulatory response is warranted.

6. The inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the PCBU and its Officers have exercised due diligence to ensure the application and ongoing effectiveness of relevant controls.

COMPLIANCE ASSESSMENT

7. This monitoring compliance activity was conducted as a desk-based inspection.
8. s 47F was a worker for the PCBU in accordance with section 7 of the WHS Act as demonstrated by:
s 47E(d)

10. As a result of my inspection I have formed a reasonable belief that:
- a. s 47F death did not occur within a workplace related to the PCBU; and
- b. s 47F death did not arise out of the conduct of the PCBU's business or undertaking.

POWER EXERCISED (if any)

Section of Act	Nature of Inspector action/decision
160(f)	Functions and powers of inspectors – to monitor compliance with the WHS Act

COMPLIANCE STATUS OF PREVIOUSLY ISSUED NOTICES (if any)

Notice	Description	Status
MC00014514 -NT01	S155 (2)(a)(b) Body Corporate	Complied with

REPORT	Inspector:	s 22	Phone:	s 22
ISSUED BY	Email:	s 22 @comcare.gov.au	Region:	ACT
INSPECTOR'S SIGNATURE	s 22 Signature:		Date: 7/04/2020	

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REVIEW OF DECISIONS

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INSPECTOR REPORT

COMCARE REFERENCE	MC00018762	Report No.	1
PCBU DETAILS	Name Address ABN ACN	Australian Federal Police GPO Box 401, CANBERRA, ACT 17 864 931 143	
REPORT ISSUED TO	Name Position	s 47F A/TL WHS/REHAB	
COPY OF REPORT GIVEN TO	Name Position		
RELEVANT WORKPLACE/S OR WORKSITE	Name Address Date	Australian Federal Police, Traffic Operations Centre s 47E(d) 12 November 2020	
INSPECTOR	Name	s 22	
OTHER PERSONS ATTENDING WITH INSPECTOR	Name Position	s 22 Inspector	

PURPOSE

- On 11 September 2020 Comcare received information in relation to several work health and safety (**WHS**) concerns regarding the Traffic Operations Centre (**TOC**) of the Australian Federal Police (**AFP**), located in s 47E(d) , ACT.
- The purpose of the Inspection was to assess compliance with the *Work Health and Safety Act 2011 (Cth)* (**WHS Act**) and *Work Health and Safety Regulations 2011 (Cth)* (**WHS Regulations**).

OUTCOMES

- After considering the information available, I formed the reasonable belief that the PCBU has contravened the WHS Act in circumstances that made it likely that the contravention will continue or be repeated. I therefore issued Improvement Notice MC00018762-NT01 (**the Notice**).

Corrective action/s

- The PCBU developed an action plan to control or otherwise resolve the WHS related issues relating to the TOC and identified in the GHD report titled *ACT Policing Master Accommodation Plan Final Condition Assessment* (**the GHD report**).

5. The PCBU is in the process of developing a corrective action plan in response to the Notice. The PCBU must ensure that the duties pertaining to WHS regulations 37 and 38 are met in relation to both interim and enduring controls:
 - a. risks are either eliminated, and if not possible to do so, are reduced so far as reasonably practicable
 - b. the controls are effective, in place, and used
 - c. where relevant the lessons are applied across the organisation.
6. The PCBU should also consider the potential impact on the safety culture of the organisation as part of their duty under section 27 of the WHS Act and undertake appropriate actions as required.

Recommendations

7. The PCBU should consider the recommendations listed in the Notice.

Future actions

8. Comcare will conduct a verification inspection to confirm compliance with the Notice, and to confirm that the duties outlined in paragraphs 5-6 are met, including but not limited to ensuring that the expected WHS results were achieved.

COMPLIANCE ASSESSMENT

Inspector Actions

9. On 16 September 2020, I attended the workplace at the AFP TOC with Inspector s 22 through voluntary agreement with the PCBU.
10. The PCBU subsequently voluntarily provided information and documentation in response to several requests.
11. I provided the PCBU with an opportunity to outline its proposed actions in response to the GHD report. I considered the information provided in light of my site inspection and formed the reasonable belief that the PCBU had contravened the WHS Act in circumstances that made it likely that the contravention will continue or be repeated. My reasons are contained in the Notice.

POWER EXERCISED (if any)

Section of Act	Nature of Inspector action/decision
160	Functions and powers of Inspectors
163	Powers of Entry
165	General powers on entry
191	Issue of Improvement notices

COMPLIANCE STATUS OF PREVIOUSLY ISSUED NOTICES (if any)

Notice	Description	Status
MC00018762-NT01	Improvement Notice	Issued

REPORT	Inspector:	s 22	Phone:	s 22
ISSUED BY	Email:	s 22 @comcare.gov.au	Region:	ACT
INSPECTOR'S SIGNATURE	s 22 Signature:		Date: 19/11/2020	

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INSPECTOR REPORT

COMCARE REFERENCE	MC00018762-VR01	Report No.	1
PCBU DETAILS	Name Address ABN ACN	Australian Federal Police GPO Box 401, CANBERRA, ACT 17 864 931 143	
REPORT ISSUED TO	Name Position	s 47F	
COPY OF REPORT GIVEN TO	Name Position		
RELEVANT WORKPLACE/S OR WORKSITE	Name Address Date	Australian Federal Police, Traffic Operations Centre s 47E(d)	
INSPECTOR	Name	s 22	
OTHER PERSONS ATTENDING WITH INSPECTOR	Name Position	s 22 Inspector	

PURPOSE

- On 11 September 2020 Comcare received information in relation to several work health and safety (**WHS**) concerns regarding the Traffic Operations Centre (**TOC**) of the Australian Federal Police (**AFP**), located in s 47E(d) ACT.
- Comcare commenced an Inspection under MC00018762 in relation to this matter.
- After considering the information available, I formed the reasonable belief that the AFP had contravened the WHS Act in circumstances that made it likely that the contravention will continue or be repeated. I therefore issued Improvement Notice MC00018762-NT01 (**the Notice**).
- On 19 September 2020 Comcare issued an Inspector Report for MC00018762, noting corrective action/s to be undertaken by the AFP and advising that a Verification Inspection would be undertaken.
- On 6 January 2021 Comcare commenced a Verification Inspection to monitor AFP's progress against the corrective actions identified in Inspector Report MC00018762, and to assess compliance with the *Work Health and Safety Act 2011* (**WHS Act**) and *Work Health and Safety Regulations 2011* (*Cth*) (**WHS Regulations**).

OUTCOMES

- The AFP have implemented the corrective actions identified in the **attached** 'Corrective Action Plan – ACTP Traffic Operations Centre (Comcare Improvement Notice)'.

7. The AFP, through the engagement of a Project Manager, continue to work to remediate a number of low to medium risk priorities which carry compliance issues with the Building Code of Australia and Australian Standard AS 1428.1 Design for access and mobility.
8. While I am satisfied that this constitutes an appropriate response, the AFP must now ensure that the duties pertaining to WHS regulations 37 and 38 are met and that:
 - a. risks are either eliminated, and if not possible to do so, are reduced so far as reasonably practicable.
 - b. the controls are effective, in place, and used.
 - c. where relevant, the lessons are applied across the organisation.
9. Comcare will conduct further verification inspections to confirm that the AFP have exercised due diligence to ensure the application and ongoing effectiveness of these controls.

COMPLIANCE ASSESSMENT

10. Comcare Inspectors met with AFP representatives at the TOC in the conduct of the Verification Inspection through voluntary agreement on 6 January 2021, 26 February 2021, and 10 August 2021.
11. I observed the following, while verifying corrective action/s have been implemented during the Verification Inspection:
 - a. An ongoing arrangement between the Minister for Justice of the Commonwealth and the ACT Minister for Police and Emergency Services for the provision of policing services to the ACT commenced in June 2017 ([the arrangement](#)). The purpose of the arrangement is to establish the enabling framework for the provision of policing services to the ACT by the AFP.
 - b. The ACT Government purchased policing services from the AFP in accordance with the Agreement between the ACT Minister for Police and Emergency Services, Australian Federal Police Commissioner, and the Chief Police Officer for the ACT for the provision of policing services to the Australian Capital Territory 2017-2021 ([the agreement](#)).
 - c. Clause 12 of the agreement relates to facilities, structures and other associated infrastructure provisioned for under the arrangement. Clause 12 states the ACT Government will be responsible for the provision of appropriate facilities and will be governed by the Joint Justice and Community Safety (JACS) Directorate and ACT Policing Strategic Accommodation Committee.
 - d. ACT Policing have entered a proposed lease for the relocation of the TOC to a fit for purpose facility in Hume, ACT. The expected relocation date is March 2022.

Recommendations

12. It is recommended that the AFP/ACT Policing refer to the Safe Work Australia (SWA) [Model Code of Practice: Safe design of structures](#) ([the code](#)) be referred to in relation to the new TOC facility in Hume, ACT. The code states that *'Safe design means the integration of control measures early in the design process to eliminate or, if this is not reasonably practicable, minimise risks to health and safety throughout the life of the structure being designed. The safe design of a structure will always be part of a wider set of design objectives, including practicability, aesthetics, cost, and functionality. These sometimes-competing objectives need to be balanced in a manner that,*

so far as is reasonably practicable, does not compromise the health and safety of those who work on or use the structure over its life.

13. The engagement of a competent person such as an Occupational Hygienist during the planning phase of the relocation may be beneficial for assistance with the implementation of the Code to ensure that all reasonably foreseeable hazards and risks are eliminated or reduced so far as is reasonably practicable.

POWER EXERCISED (if any)

Section of Act	Nature of Inspector action/decision
160	Functions and powers of Inspectors
163	Powers of Entry
165	General powers on entry

COMPLIANCE STATUS OF PREVIOUSLY ISSUED NOTICES (if any)

Notice	Description	Status
--------	-------------	--------

REPORT	Inspector:	s 22	Phone:	s 22
ISSUED BY	Email:	s 22 @comcare.gov.au	Region:	ACT
INSPECTOR'S SIGNATURE	Signature:	s 22	Date: 11/08/2021	

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INSPECTOR REPORT

COMCARE REFERENCE	MC00018762-VR02	Report No.	1
PCBU DETAILS	Name Address ABN ACN	Australian Federal Police GPO Box 401, CANBERRA, ACT 17864931143	
REPORT ISSUED TO	Name Position	s 47F Work Health Safety Advisor, ACT Policing	
COPY OF REPORT GIVEN TO	Name Position		
RELEVANT WORKPLACE/S OR WORKSITE	Name Address Date		
INSPECTOR	Name	s 22	
OTHER PERSONS ATTENDING WITH INSPECTOR	Name Position	s 22 Senior Inspector	

PURPOSE

- On 11 September 2020, Comcare received information in relation to several work health and safety (**WHS**) concerns regarding the Traffic Operations Centre (**TOC**) of the Australian Federal Police (**AFP**), located in Belconnen, ACT.
- Comcare commenced an Inspection under MC00018762 in relation to this matter on 11 September 2020.
- After considering the information available, Inspector s 22 formed the reasonable belief that the AFP had contravened the WHS Act in circumstances that made it likely that the contravention will continue or be repeated. Inspector s 22 therefore issued Improvement Notice MC00018762-NT01 (**the Notice**).
- On 19 November 2020, Comcare issued an Inspector Report for MC00018762, noting corrective action/s to be undertaken by the AFP and advising that a Verification Inspection would be undertaken.
- On 6 January 2021 Comcare commenced a Verification Inspection to monitor AFP's progress against the corrective actions identified in Inspector Report MC00018762, and to assess compliance with the Work Health and Safety Act 2011 (**WHS Act**) and Work Health and Safety Regulations 2011 (Cth) (**WHS Regulations**).
- On 11 August 2021 Comcare issued an Inspector Report for MC00018762-VR01, noting the corrective actions taken. Comcare advised that a further verification inspection would be conducted, to confirm that the AFP have exercised due diligence to ensure the application and ongoing effectiveness of the controls.

7. On 29 November 2021 Comcare commenced a further Verification Inspection to monitor the AFP's progress against the controls identified in Inspector Report MC000018762-VR01, and to assess compliance with the *Work Health and Safety Act 2011 (WHS Act)* and *Work Health and Safety Regulations 2011 (Cth) (WHS Regulations)*.

OUTCOMES

8. The AFP advised that it had raised relevant potential WHS risks in the design plan feedback for the proposed new TOC facility for consideration/action by Joint Justice and Community Safety Directorate (**JACS**). Acknowledging this, the responsibility for ensuring that these hazards are appropriately managed remains with the AFP (i.e. designed out or controls applied).
9. While I am satisfied that this constitutes an appropriate response, the PCBU must now ensure that the duties pertaining to WHS regulations 37 and 38 are met and that:
 - a. risks are either eliminated, and if not possible to do so, are reduced so far as reasonably practicable.
 - b. the controls are effective, in place, and used.
 - c. where relevant, the lessons are applied across the organisation.
10. The Inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the PCBU have exercised due diligence to ensure the application and ongoing effectiveness of these controls.

COMPLIANCE ASSESSMENT

11. On 29 November 2021 Comcare Inspectors met with AFP representatives at the new facility for the TOC in the conduct of the Verification Inspection through voluntary agreement.

Observations

12. The provision of appropriate facilities for the AFP is governed by the JACS and ACT Policing Strategic Accommodation Committee.
13. The AFP advised that it intends to relocate the TOC to a fit-for-purpose facility in s ACT.
14. On 2 December 2021, the AFP provided two floor plans for the new TOC at s , ACT to Comcare.
15. The AFP advised that it had considered and taken action in relation to the following WHS hazards associated with the relocation:
 - a. All WHS hazards identified in the earlier inspections.
 - b. WHS thermal hazards, including thermal comfort, and hot/cold environments in a large warehouse/ floor space. The AFP advised that controls would include radiant heaters installed for the winter months and large fans for the summer months, with the future purchase of evaporative cooling for workshops.
 - c. WHS air quality hazards, including ventilation and extraction of fumes from vehicles operating inside the building, and designated workshop areas. The AFP advised that, as part of the design feedback process, JACS confirmed that air quality will meet relevant Australian Standards.

- d. Noise particularly in the office and training workspaces and exposure to noise from outside street traffic, vehicles operating inside the large warehouse/floorspace and from designated workshop areas. The AFP has advised JACS through the design feedback process.
- e. Crashed vehicle storage area - visual security, control of flammable materials such as fuels leaking, biohazard exposure, handling and hoisting of crashed vehicles. The AFP has advised JACS through the design feedback process.
- f. Control of birds inside the large warehouse/floor space and exposure to and build-up of droppings. The AFP has advised JACS through the design feedback process.
- g. Purpose built firearm lockers and loading/unloading bays. The AFP has advised JACS through the design feedback process. I note that these arrangements will also need to meet relevant AFP internal standards.
- h. Appropriate and sufficient storage particularly for radio/technological equipment. The AFP has advised JACS through the design feedback process.

Recommendations

16. To assist the AFP in meeting its duties, I recommend that the AFP refer to the Safe Work Australia (SWA) Model Code of Practice: Safe design of structures (the code) during the relocation process. The code states:
- a. *'Safe design means the integration of control measures early in the design process to eliminate or, if this is not reasonably practicable, minimise risks to health and safety throughout the life of the structure being designed. The safe design of a structure will always be part of a wider set of design objectives, including practicability, aesthetics, cost, and functionality. These sometimes-competing objectives need to be balanced in a manner that, so far as is reasonably practicable, does not compromise the health and safety of those who work on or use the structure over its life.'*
 - b. *'At various points in the design process, designers should review design solutions to confirm the effectiveness of risk controls and, if necessary, redesign to minimise the risks so far as is reasonably practicable.'*

POWER EXERCISED (if any)

Section of Act	Nature of Inspector action/decision
160	Functions and powers of inspectors

COMPLIANCE STATUS OF PREVIOUSLY ISSUED NOTICES (if any)

Notice	Description	Status
n/a	n/a	None

REPORT	Inspector:	s 22	Phone:	s 22
ISSUED BY	Email:	s 22 @comcare.gov.au	Region:	ACT
INSPECTOR'S SIGNATURE	Signature:	s 22	Date:	9/03/2022

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PRIVACY STATEMENT

Your privacy is important to us. Comcare will only collect, use or disclose personal information in accordance with the Commonwealth *Privacy Act 1988* and if it is reasonably necessary for, or directly related to, one or more of our functions, powers and/or activities. These include functions and activities under the following Commonwealth legislation: *Safety, Rehabilitation and Compensation Act 1988*, the WHS Act, the *Seafarer's Rehabilitation and Compensation Act 1992*, and the *Asbestos-related Claims (Management of Commonwealth Liabilities) Act 2005*. If Comcare does not collect personal information from you, for the purposes of its legislated functions or related functions, we may not be able to respond appropriately.

Comcare is the Commonwealth agency authorised by the WHS Act to collect personal information relevant to the exercise of functions and powers under the WHS Act, WHS Regulations and the administration and evaluation of Comcare's WHS programmes. Any personal information collected in these forms will be used for those purposes.

In exercising our functions and powers, Comcare may disclose personal information, subject to confidentiality of information provisions under the WHS Act, to the following bodies and agencies, including but not limited to:

- Comcare's internal and external legal advisers
- the Safety, Rehabilitation and Compensation Commission
- a court or tribunal
- state or territory work health and safety regulatory agencies
- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
- any other person assisting Comcare in the performance of its functions or exercise of its powers, including contractors and consultants
- any other person where there is an obligation under law to do so (for example but not limited to, responding to the direction of a court to produce documentation).

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INSPECTOR REPORT

COMCARE REFERENCE	MC00019116	Report No.	1
PCBU DETAILS	Name Address ABN ACN	The Commonwealth of Australia in the right of the Australian Federal Police GPO Box 401, CANBERRA, ACT 17864931143	
REPORT ISSUED TO	Name Position	S 47F Work Health Safety Advisor ACT Policing	
COPY OF REPORT GIVEN TO	Name Position		
RELEVANT WORKPLACE/S OR WORKSITE	Name Address Date	ACT Policing	
INSPECTOR	Name	S 22	
OTHER PERSONS ATTENDING WITH INSPECTOR	Name Position		

PURPOSE

- On 8 October 2020, Comcare received a request for Inspector action to a Work Health and Safety (**WHS**) concern in relation to the Australian Federal Police (**AFP**). The notification stated, in part,

"I wish to request an investigation into the mismanagement of mental health within the AFP but am specifically making the assertions that:

 - all support measures in place are ineffectual, dysfunctional, and simply a form of lip-service (with the exception of the over-worked and genuinely caring welfare officers), and*
 - the incompetency of the AFP Leadership group is greatly exacerbating the issue further."*
- The purpose of the Inspection is to assess compliance with the *Work Health and Safety Act 2011 (WHS Act)* and *Work Health and Safety Regulations 2011 (WHS Regulations)* in relation to the WHS concern (**the concern**).

OUTCOMES

- Based upon the review of the information made available in the conduct of the Inspection, I formed a reasonable belief that the Persons Conducting Business or Undertaking (**PCBU**) complied with their duties under the WHS Act and WHS Regulations with respect to the concern raised within this Inspection.

4. While I am satisfied that this constitutes an appropriate response, the PCBU must now ensure that the duties pertaining to WHS regulations 37 and 38 are met in relation to both interim and enduring controls:
 - a. risks are either eliminated, and if not possible to do so, are reduced so far as reasonably practicable
 - b. the controls are effective, in place, and used
 - c. where relevant the lessons are applied across the organisation.
5. The Inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the PCBU have exercised due diligence to ensure the application and ongoing effectiveness of these controls.

Future actions

6. Comcare will conduct a Verification Inspection in November 2021, to examine the effectiveness of the Monitoring & Evaluation Framework, introduced in 2020 and to examine the participation rates of The Road to Mental Readiness (R2MR) primary and leadership training courses, by all AFP members.

COMPLIANCE ASSESSMENT

Inspector Actions:

7. An Inspection (**the Inspection**) in relation to the WHS concern commenced on 16 October 2020.
8. I determined a site visit was not necessary to examine the allegation raised by the complainant and sufficient information was obtained via my statutory powers.

Inspector Observations:

9. The location was a workplace in accordance Part 1 Division 3 Section 8 of the WHS Act as demonstrated by:
 - a. Police work being carried out within the ACT.
10. Based upon the information reviewed, I noted control measures implemented by the PCBU were, s 47E(d)

s 47E(d)

POWER EXERCISED (if any)

Section of Act	Nature of Inspector action/decision
160	Functions and Powers of Inspectors

COMPLIANCE STATUS OF PREVIOUSLY ISSUED NOTICES (if any)

Notice	Description	Status
MC00019116-NT01	S155 (2)(a)(b) Body Corporate	Compliant

REPORT	Inspector:	s 22	Phone:	s 22
ISSUED BY	Email:	s 22 @comcare.gov.au	Region:	ACT
INSPECTOR'S SIGNATURE	Signature: s 22	Date: 8/04/2021		

DISCLAIMER

This report contains information that may assist you take steps regarding your obligations under the WHS Act. You must refer to the *Commonwealth Work Health and Safety Act 2011 (WHS Act)* and the *Work Health and Safety Regulations 2011 (WHS Regulations)* to understand your duties and obligations. Comcare's external website contains hyperlinks to WHS Act legislation.

Comcare does not accept liability for any errors or omissions or for any loss or damage suffered by you or any person which arises from your reliance on this report or for any breach by you of your obligations under the WHS Act. Where a Comcare Inspector has inspected a particular workplace is not a representation by Comcare that the particular workplace is in any way free of hazards.

NEED HELP?

Contact the Inspector to discuss any aspect of this Inspector Report. The Inspector should be contacted if you wish to view photographs, documents or other evidence taken by the Inspector if they attended your workplace.

Comcare has a range of publications and fact sheets to help explain your responsibilities and provide guidance to make your workplace safer. The *Compliance and Enforcement Policy* provides guidance as to how Comcare approaches regulation. To access these, visit our website.

REVIEW OF DECISIONS

Where a Decision Maker Review is unsatisfactory, the recipient of the report should seek independent legal advice on review rights.

PRIVACY STATEMENT

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- a court or tribunal
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- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
- any other person assisting Comcare in the performance of its functions or exercise of its powers, including contractors and consultants
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INSPECTOR REPORT

COMCARE REFERENCE	MC00019116-VR01	Report No.	1
PCBU DETAILS	Name Address ABN ACN	The Commonwealth of Australia in the right of the Australian Federal Police GPO Box 401, CANBERRA, ACT 17864931143	
REPORT ISSUED TO	Name Position	s 47F Team Leader, Injury Prevention Strategy	
COPY OF REPORT GIVEN TO	Name Position		
RELEVANT WORKPLACE/S OR WORKSITE	Name Address Date	ACT Policing	
INSPECTOR	Name	s 22	
OTHER PERSONS ATTENDING WITH INSPECTOR	Name Position		

PURPOSE

1. On 08 October 2020 Comcare received notification of a work health and safety (WHS) concern.
2. On 16 October 2020 Comcare commenced an Inspection under MC00019116 in relation to the concern.
3. On 08 April 2021 Comcare issued an Inspector Report for MC00019116, noting the following controls to be undertaken by the PCBU and advising that a Verification Inspection would be undertaken:
 - i. Monitoring and Evaluation Framework
 - ii. Road to Mental Readiness (R2MR) training
4. On 06 June 2023 Comcare commenced a Verification Inspection to examine the effectiveness of the Monitoring and Evaluation Framework, introduced in 2020 and to examine the participation rates of the Road to Mental Readiness primary and leadership training courses, by all AFP members; and to assess compliance with the *Work Health and Safety Act 2011 (WHS Act)* and *Work Health and Safety Regulations 2011 (Cth) (WHS Regulations)*.

OUTCOMES

5. The AFP has implemented enduring controls:
 - a. SHIELD Monitoring and Evaluation Framework
 - b. R2MR training

6. Based upon the review of the information provided during the conduct of the Verification Inspection, I formed a reasonable belief that the AFP complied with their duties under the WHS Act.
7. The Inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the AFP have exercised due diligence to ensure the application and ongoing effectiveness of these controls.
8. While I am satisfied that this constitutes an appropriate response, the PCBU must now ensure that the duties pertaining to WHS regulations 37 and 38 are met and that:
 - a. risks are either eliminated, and if not possible to do so, are reduced so far as reasonably practicable.
 - b. the controls are effective, in place, and used.
 - c. where relevant, the lessons are applied across the organisation.

COMPLIANCE ASSESSMENT

9. On 06 and 07 June 2023 I attended AFP Edmund Barton Building in the conduct of the Verification Inspection under section 163 of the WHS Act.
10. I was voluntarily provided the following documentation, while verifying controls have been implemented during the Verification Inspection:
 - a. *Minute: Monitoring & Evaluation Framework to support MC00019116-VR01 Comcare verification inspection, S 47F (Acting Coordinator Capacity Delivery*
 - b. *Attachment A: SHIELD Monitoring and Evaluation Framework 2023: Describes the framework as updated for the implementation of the SHIELD program.*
 - c. *Attachment B: SHIELD Vision and Mission*
 - d. *Attachment C: SHIELD Implementation Survey Results Infographics*
11. The documentation contained information required as per MC00019116 Inspector Report:
 - a. Effectiveness measures for the SHIELD Monitoring and Evaluation Framework are in place, including via staff surveys. Implementation survey results from 934 respondents indicated that:
 - i. 90% of respondents were aware of SHIELD. However, awareness decreases when it comes to knowledge around services, products offerings and access.
 - ii. 83% of service users were satisfied with SHIELD services & products.
 - iii. 80% of service users agreed that they could access SHIELD when they needed (when).
 - iv. 81% of service users were able to access where needed (where)
 - v. 80% of service users were able to access relevant services and products (what).
 - vi. 54% of respondents had trust and confidence in SHIELD.
12. R2MR training figures to 12 May 2023:

13.	a. 603 AFP employees have completed Road 2 Mental Readiness Leadership Course
	b. 1,778 AFP employees have completed Road 2 Mental Readiness Primary Course
Note that an examination of AFP's management of psychosocial hazards, including an examination of the SHIELD program, is currently underway as part of Comcare's Psychosocial Proactive Inspection Program (Pilot). Any further findings relevant to examination of R2MR and the Monitoring and Evaluation Framework will be reported to AFP subsequent to the Proactive Inspection.	

POWER EXERCISED (if any)

Section of Act	Nature of Inspector action/decision
S163	Entry to workplace

COMPLIANCE STATUS OF PREVIOUSLY ISSUED NOTICES (if any)

Notice	Description	Status
N/A	N/A	None

REPORT ISSUED BY	Inspector:	s 22	Phone:	s 22
	Email:	s 22 @comcare.gov.au	Region:	ACT
INSPECTOR'S SIGNATURE	s 22			
	Signature:		Date: 7/06/2023	

DISCLAIMER

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NEED HELP?

Contact the Inspector to discuss any aspect of this Inspector Report. The Inspector should be contacted if you wish to view photographs, documents or other evidence taken by the Inspector if they attended your workplace.

Comcare has a range of publications and fact sheets to help explain your responsibilities and provide guidance to make your workplace safer. The *Compliance and Enforcement Policy* provides guidance as to how Comcare approaches regulation. To access these, visit our website.

REVIEW OF DECISIONS

Where a Decision Maker Review is unsatisfactory, the recipient of the report should seek independent legal advice on review rights.

PRIVACY STATEMENT

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- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
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INSPECTOR REPORT

COMCARE REFERENCE	MC00019807	Report No.	
PCBU DETAILS	Name Address ABN ACN	The Commonwealth of Australia represented by the Australian Federal Police GPO Box 401, CANBERRA, ACT 17 864 931 143	
REPORT ISSUED TO	Name Position	s 47F Team Leader Injury Prevention	
COPY OF REPORT GIVEN TO	Name Position	s 47F	
RELEVANT WORKPLACE/S OR WORKSITE	Name Address Date	Majura Training Centre, Building F s 47E(d) 1 December 2020	
INSPECTOR	Name	s 22	
OTHER PERSONS ATTENDING WITH INSPECTOR	Name Position Name Position	s 22 Senior Inspector s 22 Inspector	

PURPOSE

- On 1 December 2020, Comcare received notification of an incident that occurred at the Majura Training Centre, Building F on 1 December 2020. The notification stated, in part:

"A Cell battery was charging on an amp charger (plugged into a power board), one of the wires from the charger connected to a terminal of the battery combusted starting a small fire to the wire. The small fire self-extinguished leaving a small burn mark on the desk and smoke through the office."
- The scope of the Inspection is to assess compliance with the *Work Health and Safety Act 2011 (WHS Act)* and *Work Health and Safety Regulations 2011 (Cth) (WHS Regulations)* in relation to the incident.

OUTCOMES

- Based upon the review of the information made available in the conduct of the Inspection, I formed a reasonable belief that the Persons Conducting Business or Undertaking (PCBU), being the Australian Federal Police (AFP), complied with their duties under the WHS Act and WHS Regulations with respect to the scope of this Inspection.
- While I am satisfied that this constitutes an appropriate response, the AFP must now ensure that the duties pertaining to WHS regulations 37 and 38 are met in relation to both interim and enduring controls:

- a. risks are either eliminated, and if not possible to do so, are reduced so far as reasonably practicable
 - b. the controls are effective, in place, and used
 - c. where relevant the lessons are applied across the organisation.
5. The Inspection is now closed, however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the AFP have exercised due diligence to ensure the application and ongoing effectiveness of these controls.

COMPLIANCE ASSESSMENT

Inspector Actions

- 6. An Inspection in relation to the incident commenced on 3 December 2020.
- 7. I attended the Majura Training Centre, Building F, on 8 December 2020 through voluntary agreement with the AFP. Senior Inspector S 22 and Inspector S 22 accompanied me.
- 8. The site visit to Majura Training Centre, Building F was an announced Inspection.
- 9. Information obtained relating to the incident was through voluntary agreement with AFP.

Inspector Observations

- 10. The location was a workplace in accordance Part 1 Division 3 Section 8 of the WHS Act as demonstrated by:
 - a. Work was being carried out, by AFP workers, within Building F.
- 11. Based upon the information reviewed, I noted control measures implemented by the AFP prior to the incident were,
 - a. MOH004 – Managing Electrical Risks in the Workplace. This gave the procedures for the test and tag of all electrical equipment, as per WHS Regulation 150 (1)(2).
 - b. Test and Tag Records for Building F, showing the test dates of all electrical equipment requiring test and tag as per WHS Regulation 150 (3)(4).
- 12. Based upon the information reviewed, I noted control measures implemented by the AFP following the incident were,
 - a. AFP Test and Tag Building F Register December 2020. This showed that following the incident, test and tag had been completed, including the battery chargers, which had not previously been tested, as they were new equipment, purchased after the previous testing date.
- 13. AFP use an official form for notifying Comcare of a Notifiable incident, which Comcare received on 1 December 2020, satisfying WHS Section 38 - Duty to Notify.
- 14. Question seven, of this form, relates to disturbance/preservation of incident site, as per WHS Section 39 (1). This section was complied with however as the notice was in written form, site release cannot be sought nor granted, using this method. AFP should ensure that site release is being obtained when using written notifications only.

POWER EXERCISED (if any)

Section of Act	Nature of Inspector action/decision
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160	Functions and powers of inspectors
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COMPLIANCE STATUS OF PREVIOUSLY ISSUED NOTICES (if any)

Notice	Description	Status
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REPORT	Inspector:	s 22	Phone:	s 22
ISSUED BY	Email:	S 22 @comcare.gov.au	Region:	ACT
INSPECTOR'S SIGNATURE	s 22 Signatu		Date:	18/12/2020

DISCLAIMER

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NEED HELP?

Contact the Inspector to discuss any aspect of this Inspector Report. The Inspector should be contacted if you wish to view photographs, documents or other evidence taken by the Inspector if they attended your workplace.

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REVIEW OF DECISIONS

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- a court or tribunal
- state or territory work health and safety regulatory agencies
- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
- any other person assisting Comcare in the performance of its functions or exercise of its powers, including contractors and consultants
- any other person where there is an obligation under law to do so (for example but not limited to, responding to the direction of a court to produce documentation).

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From: s 22
To: s 47F
Cc: s 22 ; s 22
Subject: Comcare COVID-19 Quick Check - MC00018607 - AFP [SEC=OFFICIAL]
Date: Thursday, 17 December 2020 3:46:58 PM

OFFICIAL

Dear s 47F,

Thank you for your time last week.

As briefly discussed with s 22 Regional Operations - ACT (RO-ACT) has been taking the opportunity to conduct spot-checks of COVID-19 controls. The purpose of the spot-checks is not to conduct a comprehensive assessment of compliance, but rather to ensure that reasonably practicable controls are in use (e.g. hand sanitiser is available, 1.5m physical distancing is applied, COVID 19 related information is displayed, etc).

I am providing this email to summarise the findings from the COVID 19 spot-check we conducted while on location at AFP on 8 December 2020. During this site visit, I made the following observations in relation to COVID 19 controls:

- Workers were aware of, and complying with, the 1.5m physical distance guidance.
- Adequate sanitising equipment was available to wipe down furniture in meeting rooms.
- Signage, alerting workers and others to the risks of COVID 19, was visible.
- There appeared to be sufficient hand-sanitiser available and it was suitably placed in high-traffic areas.

It is important to understand that while positive, the outcomes of this spot-check should not be considered a validation of the COVID 19 management practices or their effectiveness. The PCBU should ensure that the duties pertaining to WHS Regulations 37 and 38 are met in relation to all COVID 19 controls:

- risks are either eliminated, and if not possible to do so, are reduced so far as reasonably practicable,
- all controls are effective, in place, and used (i.e. monitoring and evaluation occurs), and
- where relevant, any lessons are applied across the organisation.

The PCBU should maintain awareness of developments in the management of COVID 19 risks to inform its efforts. Relevant authoritative guidance is available from:

- Department of Health - <https://www.health.gov.au/>
- Health Direct - <https://www.healthdirect.gov.au/>
- Safe Work Australia - <https://www.safeworkaustralia.gov.au/>
- Comcare - <https://www.comcare.gov.au/>

If you have any questions regarding this matter please don't hesitate to contact me. Thank you again for your time and assistance.

Kind regards,

s 22

Inspector | Regional Operations A.C.T | Regulatory Operations Group | Comcare

T: s 22 | M: s 22 | E: s 22 [@comcare.gov.au](mailto:s22@comcare.gov.au)

GPO Box 1993, CANBERRA ACT 2601

From: s 22
To: s 47F ; s 47F
Subject: MC00020242 Closure email [SEC=OFFICIAL] CRM:0013700200
Date: Friday, 15 January 2021 2:09:18 PM

OFFICIAL

Dear s 47F and s 47F

CLOSURE ADVICE - COMCARE INSPECTION MC00020242.

I am writing to finalise Comcare's response to the uncontrolled fire within the Hydraulic Press, which occurred in G.195 workshop, of the Forensic Building, on 14 January 2021, in relation to notified dangerous incident.

Comcare initiated an Inspection to assess compliance with the *Work Health and Safety Act 2011* (**WHS Act**) and *Work Health and Safety Regulations 2011 (Cth)* (**WHS Regulations**) in relation to this matter.

Based upon the review of the information made available during the site visit undertaken by Inspector s 22 and I on 14 January 2021, I have formed a reasonable belief that the Australian Federal Police (**AFP**) complied with their duties under the WHS Act and WHS Regulations with respect to the scope of this Inspection.

In relation to dangerous incident, I am satisfied that the AFP's actions constitute an appropriate response. The AFP must now ensure that the duties pertaining to WHS regulations 37 and 38 are met in relation to both interim and enduring controls:

- a. risks are either eliminated, and if not possible to do so, are reduced so far as reasonably practicable
- b. the controls are effective, in place, and used
- c. where relevant the lessons are applied across the organisation.

I have determined that an Inspector Report is not required, and this Inspection is now closed.

should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the AFP have exercised due diligence to ensure the application and ongoing effectiveness of relevant controls.

Please contact me if you have any questions.

Regards

s 22

Senior Inspector | Regional Operations ACT
Regulatory Operations Group
Ph: s 22 Mob: s 22

GPO Box 9905, Canberra, ACT 2601

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INSPECTOR REPORT

COMCARE REFERENCE	MC00021525	Report No.	1
PCBU DETAILS	Name Address ABN ACN	Commonwealth of Australia in the right of the Australian Federal Police GPO Box 401, CANBERRA, ACT 17864931143	
REPORT ISSUED TO	Name Position	Team Leader Injury Prevention	
COPY OF REPORT GIVEN TO	Name Position	s 47F WHS Advisor	
RELEVANT WORKPLACE/S OR WORKSITE	Name Address Date	AFP Police Complex s 47E(d) 14 April 2021	
INSPECTOR	Name	s 22	
OTHER PERSONS ATTENDING WITH INSPECTOR	Name Position	s 22 Inspector	

PURPOSE

- The purpose of the Inspection is to assess compliance with the *Work Health and Safety Act 2011 (WHS Act)* and *Work Health and Safety Regulations 2011 (Cth) (WHS Regulations)* in relation to the incident (**the incident**).
- On 14 April 2021 Comcare received written notification of an incident that occurred at the AFP Police Complex Majura ACT on 14 April 2021. The notification stated, in part,

"A small fire was caused in the creek line near building N after a sound and flash device rolled into that area during a demonstration for external stakeholders. Members from Tactical Response, Maritime, Bomb Squad, Search and Rescue and CHNO dealt with the fire and extinguished it, some members were exposed to fumes."
- An Inspection (the Inspection) in relation to the incident commenced on 27 April 2021.

OUTCOMES

- Based upon the review of the information made available in the conduct of the Inspection, I formed a reasonable belief that the Persons Conducting Business or Undertaking (PCBU) complied with their duties under the WHS Act and WHS Regulations with respect to the scope of this Inspection.
- While I am satisfied that this constitutes an appropriate response, the PCBU must now ensure that the duties pertaining to WHS regulations 37 and 38 are met in relation to both interim and enduring controls:

- a. risks are either eliminated, and if not possible to do so, are reduced so far as reasonably practicable
 - b. the controls are effective, in place, and used
 - c. where relevant the lessons are applied across the organisation.
6. The Inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the PCBU have exercised due diligence to ensure the application and ongoing effectiveness of these controls.

COMPLIANCE ASSESSMENT

7. I, Inspector s 22 attended the AFP Police Complex Majura ACT along with Inspector s 22 in the conduct of the Inspection through voluntary agreement. The site visit to the AFP Police Complex Majura ACT was conducted as an announced Inspection.
8. The location was a workplace in accordance Part 1 Division 3 Section 8 of the WHS Act as demonstrated by:
- a. The Specialist Protective Service was conducting a demonstration to external stakeholders at the AFP Police Complex.

Person Conducting Business or Undertaking (PCBU)

9. The PCBU in accordance with Part 1 Division 3 Section 5 of the WHS Act is the Australian Federal Police (AFP) as demonstrated by:
- a. The incident notification submitted to Comcare notes the PCBU is the AFP.
 - b. ABN Lookup search lists the AFP as a Commonwealth Government Entity with the active ABN 17864931143.
10. Based upon the information reviewed, I noted control measures implemented by the PCBU prior to the incident were,
- a. Safety briefs were delivered to all members involved. The safety brief included the need for all members to wear protective equipment, including eye and ear protection.
 - b. Fire-fighting equipment, including hoses, fire extinguishers and other fire-fighting devices were available.
 - c. Multiple rehearsals were conducted in the days prior to the incident, where the device was deployed in the same area and did not roll into the creek bed.
 - d. Police Tactical Group ongoing training risk assessment, risk number 6 Fire. All treatments associated with this risk were adhered to during the training.
11. On 14 April 2021 at the time of the incident all external stakeholders were located away from the incident site, inside Building N.
12. Based upon the information reviewed, I noted further preventative control measures to be implemented include:
- a. Areas in which sound and flash devices are deployed in the future are to be inspected and clear from dry vegetation which may provide a source of ignition.

POWER EXERCISED (if any)

Section of Act	Nature of Inspector action/decision
S160	Functions and powers of inspectors
S163	Powers of Entry

COMPLIANCE STATUS OF PREVIOUSLY ISSUED NOTICES (if any)

Notice	Description	Status
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REPORT	Inspector:	s 22	Phone:	s 22
ISSUED BY	Email:	s 22 @comcare.gov.au	Region:	ACT
INSPECTOR'S SIGNATURE	Signature:	s 22	Date: 24/05/2021	

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REVIEW OF DECISIONS

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PRIVACY STATEMENT

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- a court or tribunal
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- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
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- any other person where there is an obligation under law to do so (for example but not limited to, responding to the direction of a court to produce documentation).

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INSPECTOR REPORT

COMPLIANCE ASSESSMENT**Dengue Fever**

5. Information provided by the AFP says: Dengue Fever is transmitted by the bite of infected mosquitoes of the *Aedes* genus. This mosquito is a daytime biter and is very common in tropical and sub-tropical countries in Africa, Asia, and South America.
6. The incubation period is short – usually 4-7 days. Fever develops suddenly, may be very high, and lasts from 3-10 days. The headache is severe, and nausea and vomiting are common in the early stages. A characteristic fine red rash sometimes occurs and differentiation from other causes of fever may be difficult. Almost everyone recovers although some people do experience significant fatigue for a period afterwards. There is no vaccine or cure and treatment is 'symptomatic'.

Inspector Observations

7. I obtained information and documentation in relation to this incident through voluntary compliance by the AFP. Based on review of the information available, I make the following observations.
8. s 47F Date of Birth: s 47F ; AFP ID: s 47F is employed by the AFP as a Team Member (Sworn).
s 47F

15. Notwithstanding, based upon the information reviewed, I noted control measures implemented by the AFP prior to the incident were:
- using trusted sources such as the World Health Organisation [WHO] and Centre for Disease Control [CDC] when conducting risk assessments for deployment locations to identify environmental hazards.
 - the requirement for members to attend a pre-deployment medical assessment with a health provider who specialises in travel medicine and infectious diseases offshore. s 47F s 47F
 - Pre-deployment Induction Training (PDT) for members and accompanying family deploying to high risk countries such as PNG. The PDT addresses Arbovirus infection, including Dengue fever risk and advises of mitigation strategies to reduce the risk of infection. The current PDT also provides a briefing on COVID-19.
 - the provision of mosquito repellent products, mosquito nets and long-sleeved clothing for use in PNG.
 - the provision of air-conditioning and window screens to all AFP provided accommodation facilities and workplaces. s 47F s 47F
 - briefings provided to members upon arrival to location by International SOS (ISOS) on Vector control management services.
 - Weekly and quarterly Vector Control reports on risks by ISOS. On 1 April 2021, the AFP received information from ISOS regarding a high risk of transmission for Dengue Fever, Chikungunya and the Zika Virus at the AFP's Kermadec accommodation compound. ISOS made several recommendations including fogging operations and taking extra precautions for mosquitos when outdoors. These recommendations were implemented and communicated to members accommodated in the Kermadec compound.
 - Medical Preparation for Overseas Deployment Standard Operating Procedure (3 months or longer). This instruction provides details of the medical preparation and associated preventative measures which must be undertaken by AFP appointees to ensure safe travel overseas for a period of three months or longer.

POWER EXERCISED (if any)

Section of Act	Nature of Inspector action/decision
160(f)	Functions and powers of Inspectors – to monitor compliance with the Act

COMPLIANCE STATUS OF PREVIOUSLY ISSUED NOTICES (if any)

Notice	Description	Status
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REPORT	Inspector:	s 22	Phone:	s 22
ISSUED BY	Email:	s 22 @comcare.gov.au	Region:	ACT
INSPECTOR'S SIGNATURE	Signature:	s 22	Date:	22/06/2021

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INSPECTOR REPORT

COMCARE REFERENCE	MC00022901	Report No.	1
PCBU DETAILS	Name Address ABN ACN	Australian Federal Police GPO Box 401, CANBERRA, ACT 17 864 931 143	
REPORT ISSUED TO	Name Position	s 47F WHS Advisor, Northern Command & International Command	
COPY OF REPORT GIVEN TO	Name Position	N/A N/A	
RELEVANT WORKPLACE/S OR WORKSITE	Name Address Date	AFP leased residential property s Solomon Islands 13 July 2021	
INSPECTOR	Name	s 22	
OTHER PERSONS ATTENDING WITH INSPECTOR	Name Position	N/A	

PURPOSE

- The purpose of the Inspection is to assess compliance with the *Work Health and Safety Act 2011 (WHS Act)* and *Work Health and Safety Regulations 2011 (Cth) (WHS Regulations)* in relation to the incident (**the incident**).
- On 22 July 2021 Comcare received written notification of an incident that occurred at an Australian Federal Police (**AFP**) leased residential property at s 47E(d) Solomon Islands on 13 July 2021. The notification stated, in part,
“Worker was electrocuted whilst plugging in a microwave into a wall socket at a newly leased AFP residential property at s 47E(d) , Solomon Islands.”
- An Inspection (**the Inspection**) in relation to the incident commenced on 28 July 2021.

OUTCOMES

- I formed a reasonable belief that the PCBU did not comply with their duties under the WHS Act/Regulations.
- The PCBU has contravened the following WHS Act Section:
 - Section 19(4)
 - The PCBU failed to ensure so far as reasonably practicable, that the accommodation it was providing to workers was free from electrical risks.

- ii. The PCBU failed to conduct an inspection on the premises or seek evidence from the landlord that electrical safety inspections had been completed.

Corrective action/s

6. Immediately after the incident, the PCBU engaged a qualified electrician to inspect the outlet and the rest of the premises. This identified a number of electrical issues within the accommodation, including with the power point that produced the electric shock. The PCBU has since had the electrical issues identified by the electrician rectified. The PCBU has now included WHS verification processes for new offshore accommodation facilities to be undertaken prior to moving into accommodation. This action has been implemented as at 28/07/2021.
7. While I am satisfied that this constitutes an appropriate response, the PCBU must now ensure that the duties pertaining to WHS regulations 37 and 38 are met in relation to both interim and enduring controls:
 - a. risks are either eliminated, and if not possible to do so, are reduced so far as reasonably practicable
 - b. the controls are effective, in place, and used
 - c. where relevant the lessons are applied across the organisation.
8. The Inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the PCBU have exercised due diligence to ensure the application and ongoing effectiveness of these controls.

COMPLIANCE ASSESSMENT

9. I determined a site visit was not necessary to examine the incident scene and sufficient information was able to be obtained through the use of my statutory powers.
10. The location was a workplace in accordance Part 1 Division 3 Section 8 of the WHS Act as demonstrated by:
 - a. It is accommodation provided by the PCBU for workers.
11. s 47F , a worker of the AFP was in the Solomon Islands as part of an AFP mission (deployment) providing training and support to the National Police Service. Whilst on deployment, s 47F was provided with accommodation facilities by the AFP at the s 47E(d) in s . On 13 July 2021 at about 11:00 s 47F received an electric shock whilst plugging a microwave into an electrical socket within the kitchen of the apartment. s 47F was allegedly thrown backwards as a result of the shock and experienced pain and tingling at the fingertips and chest. s 47F received medical treatment and was monitored by a medical practitioner of the Department of Foreign Affairs and Trade refers to deployments to particular locations where the AFP is helping to train and support the National Police Service.
12. The PCBU did not preserve the incident site in accordance with section 39 of the WHS Act and scene release was not provided by a Comcare Inspector. The site was disturbed for reasons permitted under Section 39(3) of the WHS Act for urgent repairs to be undertaken to prevent risk of a further incident occurring.
13. The incident was not required to be reported to the Solomon Islands authorities.

14. Based upon the information reviewed, I noted control measures implemented by the PCBU prior to the incident were,
- The landlord had advised the PCBU that an electrician had been to the premises to check the electrical circuits.
 - Prior to the COVID situation, the AFP WHS team has audited most AFP mission locations.
15. The AFP self-identified that they should have requested verification and/or documentation of the inspection that the landlord claimed to have had undertaken.

POWER EXERCISED (if any)

Section of Act	Nature of Inspector action/decision
160	Functions and Powers of Inspectors

COMPLIANCE STATUS OF PREVIOUSLY ISSUED NOTICES (if any)

Notice	Description	Status
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REPORT	Inspector:	s 22	Phone:	s 22
ISSUED BY	Email:	s 22 @comcare.gov.au	Region:	ACT
INSPECTOR'S SIGNATURE	s 22			
	Signature:		Date: 18/10/2021	

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REVIEW OF DECISIONS

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INSPECTOR REPORT

COMCARE REFERENCE	MC00023993	Report No.	1
PCBU DETAILS	Name Address ABN ACN	Commonwealth in the right of the Australian Federal Police 9 Brisbane Avenue Barton ACT 2600 17 864 931 143	
REPORT ISSUED TO	Name Position	s 47F Team Leader Injury Prevention, Australian Federal Police	
COPY OF REPORT GIVEN TO	Name Position		
RELEVANT WORKPLACE/S OR WORKSITE	Name Address Date	AFP International Operations Solomon Islands s 47F	
INSPECTOR	Name	s 22	
OTHER PERSONS ATTENDING WITH INSPECTOR	Name Position	s 22 Senior Inspector	

PURPOSE

- The purpose of the Inspection is to assess compliance with the *Work Health and Safety Act 2011 (WHS Act)* in relation to the concern (**the Concern**).
- s 47F s 47F
- An Inspection (the Inspection) in relation to the concern commenced on 9 November 2021.

OUTCOMES

- Based upon the review of the information made available in the conduct of the Inspection, I formed a reasonable belief that the Persons Conducting Business or Undertaking (PCBU) complied with their duties under the WHS Act with respect to the scope of this Inspection.
- While I am satisfied that the controls listed below constitute an appropriate response, the PCBU must now ensure that the duties pertaining to WHS regulations 37 and 38 are met in relation to both interim and enduring controls:
 - risks are either eliminated, and if not possible to do so, are reduced so far as reasonably practicable
 - the controls are effective, in place, and used

- c. where relevant the lessons are applied across the organisation.
6. The Inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the PCBU have exercised due diligence to ensure the application and ongoing effectiveness of these controls.

COMPLIANCE ASSESSMENT

- 7. I considered the requirements of Comcare's Compliance and Enforcement Policy in relation to this matter.
- 8. On 15 December 2021 I attended the AFP National Headquarters Barton ACT, with Inspector s 22 in the conduct of the Inspection through voluntary agreement with the PCBU.
- 9. The location was a workplace in accordance Part 1 Division 3 Section 8 of the WHS Act as demonstrated by:
 - a. The AFP assign duties to workers of the AFP International Operations in the Solomon Islands on matters of law enforcement, peace and stability operations or capacity building.

Person Conducting a Business or Undertaking (PCBU)

- 10. The PCBU in accordance with Division 3 Section 5 of the WHS act is the Commonwealth in the right of the Australian Federal Police (AFP) as demonstrated by:
 - a. ABN Lookup search lists the AFP as a Commonwealth Government Entity with the active ABN 17 864 931 143.
- 11. On the 22 November 2021 I issued a Notice under Section 155 of the WHS Act requiring the AFP to provide information and/or documents by 6 December 2021. An extension of time for compliance was granted to 20 December 2021.
- 12. On 15 December 2021, I attended the AFP Headquarters Barton ACT with Inspector s 22 to discuss the AFP deployment process.
- 13. Based upon the information reviewed, I noted control measures implemented by the AFP prior to the incident were,
 - a. The Risk Assessment and Treatment Plan for the Regional Assistance Mission Solomon Islands (**RAMSI**) completed in May 2014 identified psychosocial hazards and controls. The psychosocial hazards identified were:
 - i. Security threats.
 - ii. Exposure to a traumatic event.
 - iii. Mental Stress (e.g. fatigue and anxiety)
 The controls included:
 - iv. Mission scoping and design process.
 - v. Pre-deployment training.
 - vi. Mission specific training.

- vii. Determination/s appropriate to mission.
- viii. Musters/information for members in mission.
- ix. AFP Medical Services.
- x. ASPEN Medical centre/local/contracted medical services.
- xi. Comcare/Comcover policy coverage & ISOS.
- xii. Wellbeing/Psychological Services.
- xiii. Assistance or provision of communication facilities.
- xiv. IDG Family Newsletter.
- xv. Managed work/life balance.
- xvi. Mission debriefing.
- xvii. Adequate leave provisions.
- xviii. RAMSI security and assistance.

b. Noting that RAMSI became the Solomon Islands Police Development Program (SIPDP) on 1 July 2017, the Risk Assessment Treatment Plan for SIPDP was reviewed in January 2019.

14. Prior to deployment the AFP determines that workers are fit for duty through a gateway process including Psychological, Medical, Injury Management and Professional Standards Gateways.
15. Psychological services undertake an initial pre-deployment psychological assessment to inform 'psychological clearance'. Medical Services and Injury Management then conduct their pre-deployment clearance processes. The Medical Services process includes a full medical assessment with a travel doctor, dental services and vaccinations for the specific destination and length of deployment.
16. s 47F underwent multiple gateway requirements which included Medical, Psychological, Injury Management and Professional Standards and was cleared to deploy to the Solomon Islands following completion of these gateways.
17. The AFP provides psychological support to members being deployed or redeployed to the Solomon Islands through Psychological Services incorporating the Welfare Officer Network, Employee Assistance Program and after-hours psychological support.
18. The AFP advised that s 47F s 47F

s 47F

s 47F

s 47F

s 47F

22.	s 47F	s 47F	s 47F
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POWER EXERCISED (if any)

Section of Act	Nature of Inspector action/decision
155	Power of regulator to obtain information
163	Powers of entry
165	General powers on entry

COMPLIANCE STATUS OF PREVIOUSLY ISSUED NOTICES (if any)

Notice	Description	Status
MC00023993-NT01	Requirement to provide information and/or documents	Compliant

REPORT	Inspector:	s 22	Phone:	s 22
ISSUED BY	Email:	s 22 @comcare.gov.au	Region:	ACT
INSPECTOR'S SIGNATURE	Signature:	s 22	Date:	11/01/2022

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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00025098
PCBU DETAILS	Name: Australian Federal Police ABN: 17864931143 ACN:
REPORT ISSUED TO	Name: s 47F Position: WHS Advisor, ACT Policing Cc:
BACKGROUND	
<ol style="list-style-type: none"> On 17 December 2021 Comcare received information regarding an incident that occurred at the Australian Federal Police (AFP) Exhibit Management Centre (EMC), s 47E(d) ACT on 15 December 2021. The information indicated that a fire had occurred within the industrial shredder located at the EMC. AFP enquiries indicated that the fire was likely caused by a lithium battery going through the shredder. Comcare commenced an inspection in relation to this matter on 20 December 2021 to monitor and enforce compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act) and the <i>Work Health and Safety Regulations 2011</i> (Cth) (WHS Regulations). The scope of this inspection was to inspect the AFP's system of work in relation to the operation of the industrial shredder at the EMC. 	
OUTCOMES	
<ol style="list-style-type: none"> Inspector s 22 formed a reasonable belief that the AFP did not comply with its duties under the WHS Act. The AFP has contravened the following: <ol style="list-style-type: none"> WHS Act section 19(3)(c), the provision and maintenance of safe systems of work. Refer to the reasons set out in paragraph 11. 	
Remedial actions	
<ol style="list-style-type: none"> The AFP has determined corrective actions to remedy the contravention and is in the process of implementing the necessary control measures. 	
Information and advice	
<ol style="list-style-type: none"> The PCBU must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. PCBUs should have regard to Part 3.1 of the WHS Regulations and the <i>Code of Practice: How to Manage Work Health and Safety Risks</i> when managing risks to health and safety. The PCBU must monitor and maintain control 	



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measures, particularly any interim controls, to ensure that they remain in use and effective.

7. The inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that (duty holder) has ensured the control measures are, and are maintained so that they remain, effective.

COMPLIANCE ASSESSMENT

8. Inspector s 22 attended the EMC twice in the conduct of the inspection. The site visits were conducted as announced inspections. Inspector s 22 was not accompanied by the relevant Health and Safety Representative.
9. Based on the information reviewed, control measures implemented by the AFP prior to the incident:
 - a. Visual inspection of the materials before they are placed onto the conveyor belt for the shredder to identify if there are items that should not go through the shredder i.e. lithium batteries.
 - b. Separate methods of disposal for items that are not able to go through the shredder.
10. The shredder used at the EMC was installed by the manufacturer. Whilst it is not built for the purpose the AFP are operating it under, the manufacturer has not identified any concerns with the shredder being used for this purpose. The shredder undergoes regular maintenance and servicing.
11. The shredder is used by the AFP to destroy/dispose of seized items that are no longer required to be kept or returned. Following the incident, the AFP conducted an enquiry. It was identified that while there were operational processes in place for the shredder, no documented risk assessment had been undertaken. A formal risk assessment has since been completed capturing this process inclusive of the destruction process with the shredder.
12. The process requires a visual inspection of the items to be shredded. The revised process will require the use of metal detector wands as an additional check to minimise the risk of batteries making it into the shredder.
13. The fire suppression system at the EMC was reviewed following this incident. The AFP are enquiring into the installation sprinklers above the metal skip bin for the industrial shredder and are awaiting a report from the fire engineer who conducted an inspection.



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14. The AFP undertake fire warden training for the workers at EMC. Following this incident, on 19 January 2022, refresher training was delivered.

REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s 22
	Email	s 22 @comcare.gov.au
	Phone	s 22
	Date	
	Signature	s 22



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- state and territory Coroners
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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00026454
PCBU DETAILS	Name: Australian Federal Police ABN: 17864931143 ACN:
REPORT ISSUED TO	Name: s 47F Position: WHS Advisor - Shield Cc:
BACKGROUND	
<ol style="list-style-type: none"> On 31 March 2022 Comcare received information regarding an incident that occurred near the s 47E(d) <p>when smoke was noticed coming from the engine compartment of the bus. The recruits were evacuated from the bus and moved 100 metres away when flames began emanating from the engine compartment at the rear of the bus. Emergency Services arrived and extinguished the fire.</p> Comcare commenced an inspection in relation to this matter on 12 April 2022 to monitor and enforce compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act) and the <i>Work Health and Safety Regulations 2011</i> (Cth) (WHS Regulations). The scope of the inspection was to determine the circumstances and causal factor/s of the incident. Determine control measures pre and post incident. Determine PCBU and PWMC compliance/non-compliance with the WHS Act. The risk to health and safety identified during this inspection was the exposure of a worker or any other person to a serious risk to their health and safety emanating from an immediate or imminent exposure to an uncontrolled fire. 	
OUTCOMES	
<ol style="list-style-type: none"> Based on the information reviewed during the inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection. 	
Information and advice	
<ol style="list-style-type: none"> The Australian Federal Police (AFP) must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. The AFP should have regard to Part 3.1 of the WHS Regulations and the <i>Code of Practice: How to Manage Work Health and Safety Risks</i> when managing risks to health and safety. The AFP must monitor and maintain control measures, particularly any interim controls, to ensure that they remain in use and effective. 	

7. The inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the AFP has ensured the control measures are, and are maintained so that they remain, effective.

COMPLIANCE ASSESSMENT

8. I determined a site visit was not necessary to examine the incident scene and sufficient information was able to be obtained voluntarily.
9. The AFP have a Services Agreement in place with s 47E(d) for the provision of transport services. These services are predominately used to transport Recruits by bus to destinations to assist with the conduct of their course program and training.
10. The AFP advised that s 47E(d) arranged for an investigation into the cause of the fire to be conducted through s 47E(d)
11. The AFP advised that on 5 May 2022 s 47E(d) provided a copy of s forensic investigation report to the AFP. The forensic investigator conducted a thorough examination of the vehicle, including servicing and maintenance records.
12. The s Forensic Investigation Report dated 22 April 2022 found that:
- On 11 August 2021 the bus underwent a Heavy Vehicle Inspection Scheme (HVIS) inspection and passed all requirements.
 - On 7 March 2022 the bus underwent a further HVIS inspection and passed this inspection.
 - A Volvo Trucks Service bulletin of 3 March 2016 states "washing of the chassis and engine compartment should be carried out in connection with every service".
 - Volvo Trucks Australia (**Volvo**) advised there had been incidents where general road grime and debris which collects on top of the engine had been identified as a potential fuel source and therefore Volvo recommended cleaning.
 - According to Grand Touring Coaches the engine of the bus was cleaned on an annual basis and had been cleaned prior to the last HVIS inspection, 24 days before the fire.
 - The ignition was a result of debris on the top of the engine being picked up and blown against the hot surface of the turbo charger which in the bus has no heat shielding around it.
13. Based on the information provided the AFP are currently implementing the following corrective actions:
- Ensure that s 47E(d) conduct an internal review, develop, and implement appropriate procedures and advise AFP for verification purposes.
 - AFP (Resource Management Team) implement a contract verification schedule to request all service and maintenance records when charter vehicles used to service the AFP are inspected, audited, and serviced.

- c. For any future procurement activities for these services, ensure that due diligence obligations regarding maintaining visibility of maintenance and service records is included in the contract.

14. Based on the information provided, and the AFP's corrective action plan the inspection is now closed.

REPORT ISSUED BY	Inspector	s 22
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	Email	s 22 @comcare.gov.au
	Phone	s 22
	Date	15 June 2022
	Signature	s 22

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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00027713
PCBU DETAILS	Name: Australian Federal Police ABN: 17864931143 ACN:
REPORT ISSUED TO	Name: s 47F Position: WHS Advisor - Shield Cc:
BACKGROUND	
<ol style="list-style-type: none"> On 7 July 2022 Comcare received information regarding a work health and safety concern. The worker alleged s 47F Comcare commenced an inspection in relation to this matter on 8 August 2022 to monitor and enforce compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act) and the <i>Work Health and Safety Regulations 2011</i> (Cth) (WHS Regulations). The scope of the inspection was to determine the circumstances of the WHS concern, and the reasonably practicable actions taken by the PCBU in relation to the WHS concern. The risks to health and safety identified during the inspection was the risk to the psychological health of a worker while the worker is at work in the business or undertaking. 	
OUTCOMES	
<ol style="list-style-type: none"> Based on the information reviewed during the inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection. The PCBU must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. PCBUs should have regard to Part 3.1 of the WHS Regulations and the <i>Code of Practice: How to Manage Work Health and Safety Risks</i> when managing risks to health and safety. The PCBU must monitor and maintain control measures, particularly any interim controls, to ensure that they remain in use and effective. The inspection is now closed. 	



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COMPLIANCE ASSESSMENT

7. I determined a site visit was not necessary to examine the allegation raised by the complainant and sufficient information was able to be obtained voluntarily.
8. Based on the information reviewed, s 47F
9. The matter went before the AFP PRS Operations Committee (OC) and after reviewing the information, it was not accepted for investigation. The AFP determined that the allegations did not meet the threshold for a bullying investigation.
10. The AFP determined the issues raised by the worker regarding the s 47F
were matters for the workplace pursuant to the *Australian Federal Police Act 1979* (Cth).
11. s 47F
12. The worker has been provided support through the AFP Shield Welfare Officer Network and offered the AFP's EAP program support.
13. Based on this assessment the AFP has ensured so far as is reasonably practicable the psychological health and safety of the worker in relation to this WHS concern. The inspection is now closed.

REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s 22
	Email	s 22 @comcare.gov.au
	Phone	s 22
	Date	8 September 2022
	Signature	s 22



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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00028082
PCBU DETAILS	Name: Australian Federal Police ABN: 17 864 931 143 ACN:
REPORT ISSUED TO	Name: S 47F Position: A/Team Leader, Injury Prevention and Management, ACT Policing Cc:
BACKGROUND	
<ol style="list-style-type: none"> On 11 August, 2022 Comcare received information regarding an incident that occurred at Winchester Police Centre, S 47E(d) on 11 August 2022. The information indicated a worker sustained a minor electric shock. The worker is a member of an IT support team. The worker was plugging in power cables from a monitor into a power board and his finger brushed against two exposed cable pins on the end of the power board resulting in a minor shock. The type of power board is mounted on the underside of the workstation. Other workstations with a similar setup have plastic caps covering these pins, however this one did not. The incident scene was made safe. Power was disconnected and the scene has been preserved. The worker did not suffer any injury and was later checked out by a medical practitioner. Comcare commenced an inspection in relation to this matter on 11 August 2022 to monitor and enforce compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act) and the <i>Work Health and Safety Regulations 2011</i> (Cth) (WHS Regulations). The scope of the inspection was <ul style="list-style-type: none"> - Determine the circumstances and causal factor/s of the incident. - Determine control measures pre and post incident. - Determine PCBU/PWMC compliance/non-compliance with the WHS Act. - Determine appropriate regulatory action (including consideration to the issuance of a local/national Improvement or Prohibition Notice). The risk/s to health and safety identified during the inspection was the exposure of a worker or any other person to a serious risk to a person's health or safety emanating from an immediate or imminent exposure to electric shock. 	
OUTCOMES	



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5. I formed a reasonable belief that Australian Federal Police did not comply with its duties under the WHS Act/Regulations. Australian Federal Police has contravened the following:
 - a. WHS Act section 32. Refer to the reasons set out in paragraph 1.
 - b. WHS Regulation 147. Refer to the reasons set out in paragraph 1.
 - c. WHS Regulation 149. Refer to the reasons set out in paragraph 1.

Remedial actions

6. While I formed the reasonable belief that the Australian Federal Police did not comply with its duties, I am satisfied effective control measures have now been implemented. The inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that Australian Federal Police has ensured the control measures are, and are maintained so that they remain, effective. Learnings regarding control measures as a result of the incident should be applied across the organisation where applicable.
7. The following actions are to be taken to remedy the contravention as discussed with Australian Federal Police:
 - a. Safety Alert disseminated to all staff to visually check previously installed power boards attached to newly installed workstations.
 - b. Installation checklist to be developed and used by workstation installers to ensure end caps are in place on all power boards prior to installation.
 - c. Control measures should be implemented as soon as possible.

Comcare have verified completion of these actions.

Information and advice

8. The Australian Federal Police must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. Australian Federal Police should have regard to Part 3.1 of the WHS Regulations and the *Code of Practice: How to Manage Work Health and Safety Risks* when managing risks to health and safety. The Australian Federal



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Police must monitor and maintain control measures, particularly any interim controls, to ensure that they remain in use and effective.

9. Learnings regarding control measures as a result of the inspection should be applied across the organisation where applicable.
10. The inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that (duty holder) has ensured the control measures are, and are maintained so that they remain, effective.

COMPLIANCE ASSESSMENT

11. I attended Winchester Police Centre, s 47E(d) in the conduct of the inspection. The site visit was conducted as an announced inspection. I was accompanied by the relevant Health and Safety Representative. I viewed the electrical appliance in question and found a protective end cap was missing resulting in exposed live contacts. It is unclear if the end cap was not fitted during manufacture or if it was removed during the installation process.
12. Based on the information reviewed, control measures implemented by Australian Federal Police in relation to the risk were:
 - a. Safety Alert disseminated to all staff to visually check previously installed power boards.
 - b. Installation checklist developed and used by workstation installers to ensure end caps are in place on all power boards.
13. The control measures implemented by the Australian Federal Police are adequate to eliminate the risk of exposure of any person to a serious risk to their health or safety emanating from an immediate or imminent exposure to electric shock.
14. Immediately after the incident the Australian Federal Police took steps to isolate electrical power to the workstation and barricaded the area limiting access. The Australian Federal Police prepared and disseminated an all-Staff Safety Alert to visually inspect previously installed work stations. The Australian Federal Police prepared and implemented an installation checklist for the workstations to ensure that the risk of electric shock was eliminated.
15. Based on this assessment and on documents provided by the Australian Federal Police, I have formed a reasonable belief that the Australian Federal Police implemented control measures to eliminate the exposure of a worker or any other person to a serious risk to a



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person's health or safety emanating from an immediate or imminent exposure to electric shock and the inspection is now closed.

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	Inspector ID number	s 22
	Email	s 22 @comcare.gov.au
	Phone	s 22
	Date	15/8/2022
	Signature	s 22



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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00028152
PCBU DETAILS	Name: Australian Federal Police ABN: 17864931143 ACN:
REPORT ISSUED TO	Name: S 47F Position: Rehabilitation Case Manager Cc:
BACKGROUND	
<ol style="list-style-type: none"> On 18 August 2022 Comcare received information regarding an incident that occurred at the S 47F. The information indicated a worker was involved in S 47F. Comcare commenced an inspection in relation to this matter on 26 August 2022 to monitor and enforce compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act) and the <i>Work Health and Safety Regulations 2011</i> (Cth) (WHS Regulations). The scope of the inspection was to determine the circumstances and causal factors of this incident and the control measures implemented to prevent a recurrence. The risk to health and safety identified during the inspection was the risk to the psychological and physical health of a worker while the worker is at work in the business or undertaking. 	
OUTCOMES	
<ol style="list-style-type: none"> Based on the information reviewed during the inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection. Learnings regarding control measures as a result of the incident should be applied across the organisation where applicable. The inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the AFP has ensured the control measures are, and are maintained so that they remain, effective. 	



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COMPLIANCE ASSESSMENT

8. I determined a site visit was not necessary to examine the incident scene and sufficient information was able to be obtained voluntarily.

9. On the s 47F

10. s 47F

11. s 47F

12. Options for alternative work roles have been identified and provided to the worker for consideration.

13. s 47F

14. s 47F

15. Based on this assessment the AFP has implemented reasonably practicable controls to manage the risks to health and safety emanating from this incident. The inspection is now closed.

REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s 22
	Email	s 22 @comcare.gov.au
	Phone	s 22
	Date	8 September 2022
	Signature	s 22



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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00028239
PCBU DETAILS	Name: Australian Federal Police ABN: 17864931143 ACN:
REPORT ISSUED TO	Name: S 47F Position: WHS Advisor Shield Cc:
BACKGROUND	
<ol style="list-style-type: none"> On 25 August 2022 Comcare received information regarding an incident that occurred at the Australian Federal Police (AFP) s 47F . The information indicated that S 47F (the worker) s 47F Comcare commenced an inspection in relation to this matter on 29 August 2022 to monitor and enforce compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act). The scope of the inspection was to determine the actions taken or proposed to be taken in respect of the allegations raised by the worker. The risk to health and safety identified during the inspection was the duty of the AFP to ensure, so far as is reasonably practicable, the health and safety of workers while at work in the business or undertaking. 	
OUTCOMES	
<ol style="list-style-type: none"> Based on the information reviewed during the inspection, I did not identify any non-compliance with the WHS Act with respect to the scope of the inspection. 	
Information and advice	
<ol style="list-style-type: none"> The AFP must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. The AFP should have regard to Part 3.1 of the WHS Regulations and the <i>Code of Practice: How to Manage Work Health and Safety Risks</i> when managing risks to health and safety. The AFP must monitor and maintain control 	



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measures, particularly any interim controls, to ensure that they remain in use and effective.

7. In relation to this matter, the AFP should consider the following:
 - a. Providing SHIELD workers with the opportunity to nominate a support person of their choice in accordance with the AFP Better Practice Guide on Effective Performance Management.
8. The inspection is now closed, however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the AFP has ensured the control measures are, and are maintained so that they remain, effective.

COMPLIANCE ASSESSMENT

9. I determined a site visit was not necessary to examine the allegation raised in relation to the incident and sufficient information was able to be obtained voluntarily.
10. Based on the information reviewed, control measures implemented by the AFP in relation to the risk were:
 - a. AFP Better Practice Guide on Effective Performance Management.
 - b. AFP Better Practice Guide on Probation.
 - c. AFP Factsheet on the role of a support person.

s 47F

15. The AFP provided the worker with access to mental health support services including:



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- a. SHIELD multi-disciplinary health team services including engagement with a Welfare Officer,
- b. Employee Assistance Program,
- c. External psychologist.

16. Following the incident, s 47F

17. The AFP has advised that the following further control measures are being implemented in respect of the SHIELD team:

- a. AFP SHIELD are implementing the People at Work program to examine psychosocial risks in the team which will provide information about relevant controls for any risks identified. Implementation across the AFP will be incremental.
- b. AFP SHIELD are reviewing the governance regarding provision of health, wellbeing and injury management services for SHIELD staff.
- c. Psychological assessment methodologies are currently being considered to identify an appropriate testing instrument to incorporate into entry gateways for SHIELD psychologists.

18. Based on the information provided, I formed a reasonable belief that the AFP has reasonable practicable controls in place, in regards to the scope of this inspection. The AFP has advised they are implementing further reasonably practicable controls in relation to the psychological health and safety of the SHIELD team. The inspection is now closed.

REPORT ISSUED BY	Inspector	s 22	
	Inspector ID number	s 22	
	Email	s 22	@comcare.gov.au
	Phone	s 22	
	Date		
	Signature	s 22	



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- the Safety, Rehabilitation and Compensation Commission
- a court or tribunal
- state or territory work health and safety regulatory agencies
- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
- any other person assisting Comcare in the performance of its functions or exercise of its powers, including contractors and consultants
- any other person where there is an obligation under law to do so (for example but not limited to, responding to the direction of a court to produce documentation).

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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00028782
PCBU DETAILS	Name: Australian Federal Police ABN: 17864931143 ACN:
REPORT ISSUED TO	Name: s 47F Position: Injury Prevention Team Leader Cc: s 47F – WHS Advisor
BACKGROUND	
<ol style="list-style-type: none"> On 18th of October 2022 Comcare received information regarding an incident that occurred at s 47E(d) ACT on the 13th of October 2022. The information indicated an Australian Federal Police (AFP) Air Support Team (AST) member was potentially exposed to dangerous gases emanating from a rechargeable drone lithium battery. Further information stated that a thermal runaway, then leading to combustion occurred from the battery whilst the member was attempting to remove the outer battery casing. Comcare commenced an inspection in relation to this matter on 21st October 2022 to monitor and enforce compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act) and the <i>Work Health and Safety Regulations 2011</i> (Cth) (WHS Regulations). The scope of the inspection was to: <ul style="list-style-type: none"> Determine the circumstances and causal factor/s of the incident. Determine AFP AST compliance/non-compliance with the WHS Act. The risk to health and safety identified during the inspection was the worker potentially being exposed to dangerous gases escaping from the lithium battery whilst attempting to remove the outer casing. During my attendance at the incident location, the AST member involved in the incident indicated that any drone maintenance work was usually undertaken in the workshop located in the hanger at ground level. The member further stated that the decision to undertake the harvesting of the drone battery on a small workbench in the drone storage room and not the workshop on the lower floor was made purely on the close vicinity from the member's desk. 	
OUTCOMES	

6. AFP Work Health and safety Advisor s 47F undertook an internal investigation into the incident and provided a copy of the report to Comcare with the following key findings identified.
- **ROOT CAUSE:** The AST member used a metal pick to open the battery casing and punctured one of the lithium battery cells causing it to short circuit, resulting in a thermal run away and ultimately leading to combustion.
 - **KEY CONTRIBUTOR:** The AST member was working on the battery indoors inside the drone storage room on a small work bench. Once the battery cell was damaged and began to combust, the member had to run out of the drone storage room, across the floor and downstairs out the door to dispose of the battery outside by throwing it on the grass. Had the member been working in the workshop downstairs in the hangar where there is improved air ventilation this would have minimised the possibility of gases from the battery being released and inhaled.
7. I formed a reasonable belief that the worker did not comply with their duties under the WHS Act section 28. The worker has contravened the following:

28 Duties of workers

While at work, a worker must:

- (a) take reasonable care for his or her own health and safety; and
- (b) take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons; and
- (c) comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the person conducting the business or undertaking to allow the person to comply with this Act; and
- (d) co-operate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers.

Remedial actions

8. While I formed the reasonable belief that the worker did not comply with their duties, I am satisfied effective control measures have now been implemented. Learnings regarding control measures as a result of the incident should be applied across the organisation where applicable.

Information and advice

9. The PCBU must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. PCBUs should have regard to Part 3.1 of the WHS Regulations and the *Code of Practice: How to Manage Work Health and Safety Risks* when

managing risks to health and safety. The PCBU must monitor and maintain control measures, particularly any interim controls, to ensure that they remain in use and effective.

10. The inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the AFP AST has ensured the control measures are, and are maintained so that they remain, effective.

COMPLIANCE ASSESSMENT

11. Inspector s 22 and I attended s 47E(d) ACT in the conduct of the inspection. The site visit was conducted as an announced inspection. I was accompanied by the relevant Health and Safety Advisor of the AFP s 47F .
12. Based on the information reviewed, control measures implemented by the AFP in response to the incident are as follows:
- a. Direction given to AST that no further battery harvesting task is to be undertaken in the future eliminating any further risk of short circuiting.
 - b. Review current lithium battery literature to assess if further governance is required broadly across the AFP to assist with the management of lithium battery related tasks.
 - c. A review of emergency procedures/fire equipment at the s 47E(d) to respond to lithium battery related emergencies in line with manufacturer's instructions.
 - d. Provide education to AST relating to time frames of reporting of notifiable incidents and scene preservation of potential notifiable incidents.
13. Based on this assessment I have formed a reasonable belief that effective control measures in response to this incident have now been implemented and the inspection is now closed.

REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s 22
	Email	s 22 @comcare.gov.au
	Phone	s 22
	Date	1/12/2022

	Signature	s 22
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- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
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From: s 22
To: s 47F
Subject: Comcare Monitoring Compliance Inspection MC00029534 - AFP member suffering a mental breakdown - Pialligo - ACT
Date: Friday, 14 April 2023 11:55:00 AM
Attachments: [image001.png](#)
[image004.png](#)

CLOSURE ADVICE - COMCARE INSPECTION MC00029534.

I am writing to finalise Comcare's response to the Australian Federal Police (AFP) member suffering a mental breakdown. AFP reference 30918

Comcare initiated an inspection to assess compliance with the *Work Health and Safety Act 2011* (Cth) (WHS Act) and *Work Health and Safety Regulations 2011* (Cth) (WHS Regulations) in relation to this matter.

Based on the information reviewed during the inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection.

I have determined that an Inspector Report is not required and this inspection is now closed. Should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the AFP has exercised due diligence to ensure the application and ongoing effectiveness of relevant controls.

Regards

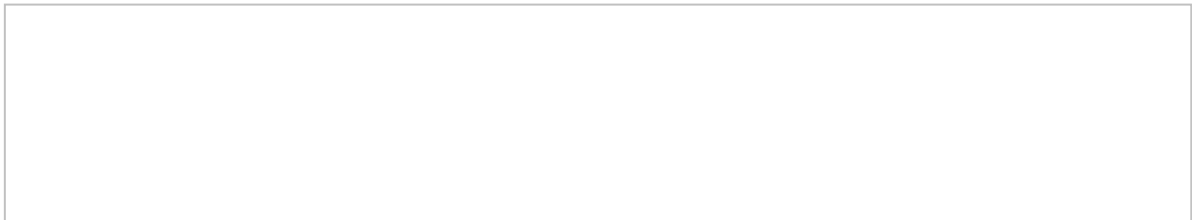
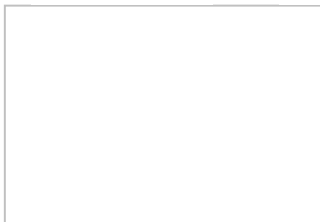
s 22

Senior Inspector

Regional Operations ACT | Regulatory Operations Group

Inspector appointed under S.156 Work Health and Safety Act 2011 (C'th)

P: **s 22** | M:



From: s 22
To: s 47F
Subject: Comcare Monitoring Compliance Inspection MC00029923 - Member Positive for s 47F - ACT
Date: Wednesday, 5 April 2023 1:54:00 PM
Attachments: [image001.png](#)
[image004.png](#)

CLOSURE ADVICE - COMCARE INSPECTION MC00029923

I am writing to finalise Comcare's response to the Australian Federal Police member who tested positive for s 47F .

Comcare initiated an inspection to assess compliance with the *Work Health and Safety Act 2011* (Cth) (WHS Act) and *Work Health and Safety Regulations 2011* (Cth) (WHS Regulations) in relation to this matter.

Based on the information reviewed during the inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection.

It was identified during the Work Health and Safety investigation conducted by the AFP that the member did not contract the disease as a result of their attendance in the workplace.

Regards

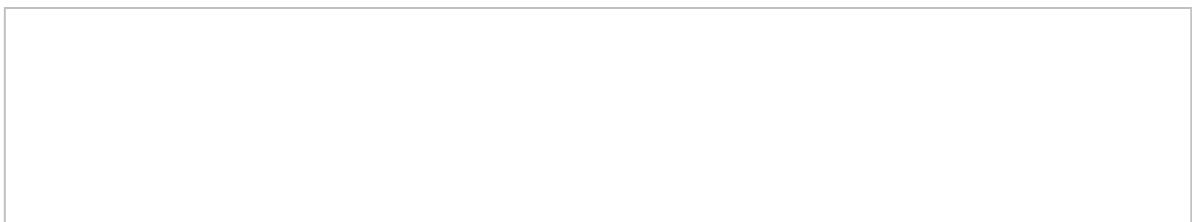
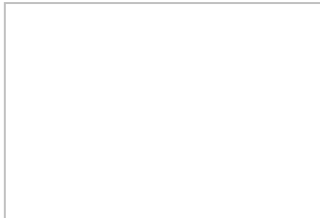
s 22

Senior Inspector

Regional Operations ACT | Regulatory Operations Group

Inspector appointed under S.156 Work Health and Safety Act 2011 (C'th)

P: s 22 | M: s 22



From: s 22
To: s 47F
Subject: FW: Comcare Monitoring Compliance Inspection MC00029926 - AFP member medically unfit for duty - Canberra [SEC=OFFICIAL]
Date: Monday, 3 April 2023 3:21:00 PM
Attachments: [image001.png](#)
[image004.png](#)

OFFICIAL

OFFICIAL

CLOSURE ADVICE - COMCARE INSPECTION MC00029926. AFP Reference 31105.

I am writing to finalise Comcare's response to the incident involving an Australian Federal Police member who was medically unfit for duty.

Comcare initiated an inspection to assess compliance with the *Work Health and Safety Act 2011* (Cth) (WHS Act) and *Work Health and Safety Regulations 2011* (Cth) (WHS Regulations) in relation to this matter.

Based on the information reviewed during the inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection.

This matter has been referred to Comcare's National Regulatory Program who are undertaking a psychosocial program in conjunction with the AFP. The assessment of the AFP's response will be considered as part of this program.

I have determined that an Inspector Report is not required and this inspection is now closed.

Regards

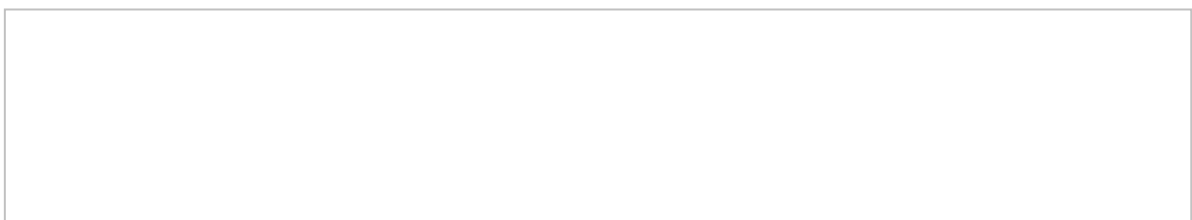
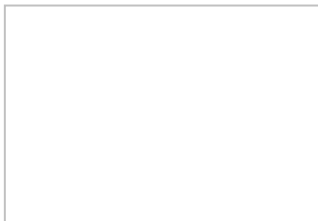
s 22

Senior Inspector

Regional Operations ACT | Regulatory Operations Group

Inspector appointed under S.156 Work Health and Safety Act 2011 (C'th)

P: **s 22** | M: **s 22**



s 22

From: S 22 @comcare.gov.au>
Sent: Thursday, 6 April 2023 12:21 PM
To: S 47F @afp.gov.au>
Subject: [SEC=OFFICIAL] Comcare Monitoring Compliance Inspection MC00030080 - Grass Fire - Majura - ACT

OFFICIAL

CLOSURE ADVICE - COMCARE INSPECTION MC00030080.

I am writing to finalise Comcare's response to the small grass resulting from a training exercise. AFP reference 20230228-162846-941.

Comcare initiated an inspection to assess compliance with the *Work Health and Safety Act 2011*

(Cth) (WHS Act) and *Work Health and Safety Regulations 2011* (Cth) (WHS Regulations) in relation to this matter.

Based on the information reviewed during the inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection.

In relation to incident, I am satisfied that the PCBU's actions constitute an appropriate response. The PCBU must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. PCBUs should have regard to Part 3.1 of the WHS Regulations and the *Code of Practice: How to Manage Work Health and Safety Risks* when managing risks to health and safety. The PCBU must monitor and maintain control measures, particularly any interim controls, to ensure that they remain in use and effective.

I have determined that an Inspector Report is not required and this inspection is now closed. should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that Australian Federal Police has exercised due diligence to ensure the application and ongoing effectiveness of relevant controls.

Regards

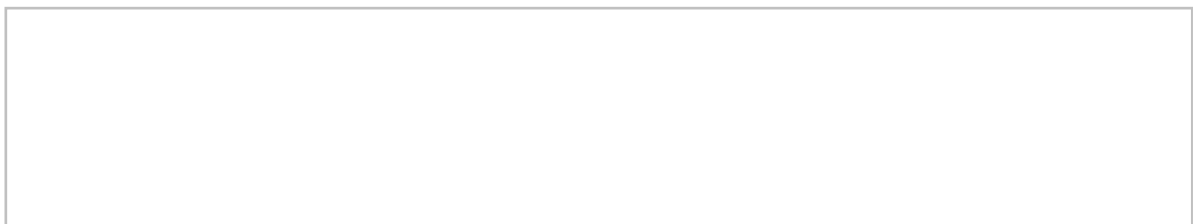
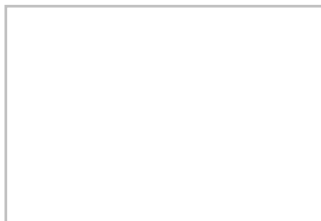
s 22

Senior Inspector

Regional Operations ACT | Regulatory Operations Group

Inspector appointed under S.156 Work Health and Safety Act 2011 (C'th)

P: **s 22** | M: **s 22**



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AFP Web site: <http://www.afp.gov.au>

s 22

To: s 47F
Subject: 2023-05-26 Comcare Monitoring Compliance Inspection MC00030842 - WHS concern - electrical wiring ACTP Stations - Civic & Gungahlin - ACT [SEC=OFFICIAL]

Dear s 47F,

CLOSURE ADVICE - COMCARE INSPECTION MC00030842

I am writing to finalise Comcare's response to the WHS concern raised regarding electrical wiring in the ACT Police Stations at Gungahlin and Civic.

Comcare initiated an inspection to assess compliance with the *Work Health and Safety Act 2011* (Cth) (WHS Act) and *Work Health and Safety Regulations 2011* (Cth) (WHS Regulations) in relation to this matter.

Based on the information reviewed during the inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection.

Please notify Comcare if should you have any WHS concerns during the conduct of your future proposed safety audits at these locations.

I have determined that an Inspector Report is not required, and this inspection is now closed.

Regards,

s 22

Inspector

Regional Operations Group ACT | Regulatory Operations Group

Inspector appointed under S.156 *Work Health and Safety Act 2011* (C'th)

P: s 22 | M: s 22



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s 22

s 22



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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00031768
PCBU DETAILS	Name: Commonwealth of Australia in the right of the Australian Federal Police ABN: 17 864 931 143 ACN:
REPORT ISSUED TO	Name: s 47F Position: A/ Team Leader Injury Prevention (Operations) - People & Culture Command Cc:
BACKGROUND	
<ol style="list-style-type: none"> On 21st August 2023 Comcare commenced a proactive inspection at the Australian Federal Police (AFP), as part of the Comcare Regional Engagement Plan 2023-24. The purpose of the inspection was to monitor compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act) and the <i>Work Health and Safety Regulations 2011</i> (Cth) (WHS Regulations). The inspection focused on ensuring that persons conducting a business or undertaking (PCBUs) have systems and/or arrangements in place to enable them to meet their duties under the <i>Work Health and Safety Act 2011</i> Cth (WHS Act) relating to Incident Management. The process involved reviewing relevant policies, procedures, and associated documents, as well as interviewing several staff and/or contractors. The scope of the inspection was to determine whether the AFP has implemented an incident management system (IMS) that allows it to achieve legislative compliance, is in use, and systematically reviewed to ensure that it is delivering its intended WHS outcomes. There is no legislated minimum requirement – the IMS is scalable dependent upon the size/complexity of the PCBU. On 30th November 2023 I attended the AFP office in Barton, ACT, in the conduct of the inspection. The visit was conducted as an announced inspection. During the visit I engaged with the relevant Health and Safety Representative (HSR), a worker, a contractor and the WHS unit. 	
COMPLIANCE ASSESSMENT	
<ol style="list-style-type: none"> Based on the information reviewed during the inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection. 	



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OUTCOMES & FINDINGS FROM PROACTIVE ENGAGEMENT

6. Based on the information reviewed and discussed with relevant persons during the course of the inspection, the AFP demonstrated that it has:
 - a. definitions of notifiable incidents in documented policies and/or procedures,
 - b. clearly defined explanations of the duty to notify the regulator, including timeframes,
 - c. clearly articulating the requirements to preserve the scene of a notifiable incident and outline the circumstances under which site disturbance is permitted,
 - d. a system in place to ensure the contents of the notification to meet Comcare's specifications,
 - e. guidance and/or training for staff undertaking investigations/review incidents is provided,
 - f. a process for consultation with the Health and Safety Committee to monitor and report on incident and claims trends,
 - g. guidance outlining the support available for staff affected by an incident,
 - h. training for Officers to ensure they understand their responsibilities and duties under the WHS Act,
 - i. a system to monitor completion and comprehension of training,
 - j. a reporting structure for Officers to enable due diligence to be achieved. This includes monitoring and reporting on trends,
 - k. regular audits/reviews (both internal and external) conducted on the system to ensure legislative compliance and currency,
 - l. considered benchmarking of performance against similar organisations.
7. Discussions with HSRs, a contractor and a worker demonstrated that:
 - a. they can locate and identify policy and procedures for incident management and notification. They could also explain key components of the policy and procedures including roles and responsibilities, lines of reporting, and additional services,



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- b. in the event of a WHS incident the reporting system is easy to locate & use and does not discourage the reporting of minor WHS incidents,
 - c. HSR's are consulted on matters affecting their workgroup's health and safety,
 - d. WHS incident data is shared with HSRs and that consultation with the Health and Safety Committee occurs with regard to the development, monitoring, application and review of the incident management systems/arrangements.
8. During the inspection, I reviewed the incident register data held by AFP, conducting a spot check of a number of recorded incidents. AFP demonstrated that the notification requirements of its policies/procedures were complied with.
9. Based on the information reviewed during the inspection, I did identify non-conformance with the Comcare Incident Management Inspection checklist that warrant consideration by the AFP. The AFP should consider:
 - a. ensuring all HSR's are granted time and encouraged to attend relevant HSR training course in accordance with legislative requirements,
 - b. developing clearly defined roles and responsibilities for officers, workers, supervisors/managers, WHS team and Health, contractors and Safety Representatives in relation incident management,
 - c. having guidance and a process for the management of notices issued by Comcare,
 - d. having guidance and a process for the management of Provisional Improvement Notices issued by HSRs,
 - e. articulating the triggers to review relevant documents in response to significant incidents or events in relevant documents, or overarching guidance document,
 - f. a process that articulates the requirement for dual notification by shared duty holders,
10. It is important to understand that the outcomes of this engagement should not be considered a validation of AFP's policies and procedures or their effectiveness. AFP should ensure that the requirements of the Code of Practice (CoP): How to manage WHS risks are met.
11. The inspection is now closed however should an incident relating to incident management systems occur anywhere within the organisation in the future, Comcare will look to confirm that AFP has ensured policies and procedures are maintained so that they remain effective.



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REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s 22
	Email	s 22 @comcare.gov.au
	Phone	s 22
	Date	14-12-2023
	Signature	s 22



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Comcare is the Commonwealth agency authorised by the WHS Act to collect personal information relevant to the exercise of functions and powers under the WHS Act, WHS Regulations and the administration and evaluation of Comcare's WHS programmes. Any personal information collected in these forms will be used for those purposes.

In exercising our functions and powers, Comcare may disclose personal information, subject to confidentiality of information provisions under the WHS Act, to the following bodies and agencies, including but not limited to:

- Comcare's internal and external legal advisers
- the Safety, Rehabilitation and Compensation Commission
- a court or tribunal
- state or territory work health and safety regulatory agencies
- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
- any other person assisting Comcare in the performance of its functions or exercise of its powers, including contractors and consultants
- any other person where there is an obligation under law to do so (for example but not limited to, responding to the direction of a court to produce documentation).

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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00032553
PCBU DETAILS	Name: Commonwealth of Australia in the right of the Australian Federal Police ABN: 17864931143 ACN:
REPORT ISSUED TO	Name: s 47F Position: Team Leader, Injury Prevention Strategy Cc:
BACKGROUND	
<ol style="list-style-type: none"> On 4 October 2023 Comcare received information regarding an incident that occurred at s 47F Comcare commenced an inspection in relation to this matter on 20 November 2023 to monitor and enforce compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act) and the <i>Work Health and Safety Regulations 2011</i> (Cth) (WHS Regulations). The scope of the inspection was to determine the circumstances and causal factors of the incident, the control measures pre and post incident, and to determine PCBU compliance/non-compliance with the WHS Act including appropriate regulatory action. 	
OUTCOMES	
<ol style="list-style-type: none"> Based on the information reviewed during the inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection. <p>Information and advice</p> <ol style="list-style-type: none"> The PCBU must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. PCBUs should have regard to Part 3.1 of the WHS Regulations and the <i>Code of Practice: How to Manage Work Health and Safety Risks</i> when managing risks to health and safety. The PCBU must monitor and maintain control measures, particularly any interim controls, to ensure that they remain in use and effective. Learnings regarding control measures as a result of the inspection should be applied across the organisation where applicable. 	



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7. The inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the AFP has ensured the control measures are effective and are maintained so that they remain effective.

COMPLIANCE ASSESSMENT

8. I determined a site visit was not necessary to examine the incident scene and sufficient information was able to be obtained voluntarily.
9. Based on the information reviewed, control measures implemented by the AFP prior to the incident were:

a. s 47F

As a result, a Workplace

Incident Report (**WIR**) was submitted internally on 13 February 2011.

s 47F

12. The incident that occurred on s 47F

13. Based on this assessment I form the reasonable belief that the AFP are consulting with the worker to eliminate or minimise, so far as reasonably practicable, the risk to their psychosocial health arising from the incident on 13 February 2011 and the inspection is now closed.



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REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s 22
	Email	s 22 @comcare.gov.au
	Phone	s 22
	Date	20/12/2023
	Signature	s 22

DISCLAIMER

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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00032950
PCBU DETAILS	Name: Commonwealth of Australia acting through its responsible agency the Australian Federal Police ABN: 17 864 931 143 ACN:
REPORT ISSUED TO	Name: s 47F Position: WHS Advisor - Western Command Cc: s 47F Team Leader Injury Prevention Operations – People and Culture Command
BACKGROUND	
<ol style="list-style-type: none"> On 16 October 2023 Comcare received information regarding an incident that occurred at Australian Federal Police (AFP) owned accommodation known as LEN 1, on s 47E(d) Solomon Islands on 13 October 2023. The information indicated local workers engaged by AFP to install solar panels to the roof of LEN 1 had penetrated the ceiling with screws during the installation process, causing the release of dust. LEN 1 was built in the 1970's and the dust was believed to be Asbestos Containing Material (ACM). LEN 1 was occupied by a worker of the AFP and their family at the time, who notified of the exposure to ACM on 16 October 2023, at which point AFP relocated the worker and their family to temporary accommodation. AFP reportedly directed the worker to clean up the dust, before conceding and engaging suitably competent persons to collect a sample for testing. Testing by a National Association of Testing Authorities (NATA) accredited laboratory in Australia confirmed the presence of Chrysotile asbestos in the ACM samples provided. Comcare commenced an inspection in relation to this matter on 10 January 2024 to monitor and enforce compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act) and the <i>Work Health and Safety Regulations 2011</i> (Cth) (WHS Regulations). The scope of the inspection was to determine: <ol style="list-style-type: none"> whether there is a risk of exposure to ACM in AFP property in the Solomon Islands and if the AFP has appropriate safe systems to manage that risk, whether a worker of the AFP directed another worker to clean ACM and whether AFP systems contributed, what actions AFP took to manage exposure of the worker and others in the incident, including support mechanisms available, what steps the AFP took after the incident to prevent further exposure to the risk of ACM and how the AFP is eliminating or minimising the risk so far as reasonably practicable in the circumstance – including identifying where else the risk exists within the AFP. 	



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4. The risk to health and safety identified during the inspection was the exposure of a worker and others to ACM.

OUTCOMES

5. I formed a reasonable belief that the AFP did not comply with its duties under the WHS Act. The AFP has contravened the following:
 - a. WHS Act section 19 – *Primary duty of care*. Refer to the reasons set out in paragraph 13.
6. I formed a reasonable belief that the AFP worker did not comply with their duties under the WHS Act. The AFP worker has contravened the following:
 - a. WHS Act section 28 – *Duties of workers*. Refer to the reasons set out in paragraph 14.

Compliance and enforcement measures

7. An Improvement Notice MC00032950-NT01 was issued on 16 February 2024 requiring AFP to develop and implement a system to ensure they can:
 - a. Safely identify and record the presence and location of asbestos in worker provided accommodation.
 - b. Identify and implement appropriate control measures to eliminate or minimise the risk of exposure to asbestos where the risk is identified, in consultation with affected workers, relevant duty holders, and appropriately qualified and competent persons.
 - c. Ensure persons likely to come into contact with asbestos have sufficient expertise or are given sufficient training, information and instruction to manage the risk to their health safety.
 - d. Monitor controls for effectiveness.
 - e. Review controls to ensure they remain effective.
 - f. Compliance is required by 30 June 2024. A copy of the notice is attached.
8. A Letter of Warning was issued on 15 April 2024 to AFP worker performing the 'Team Leader – Infrastructure, Solomon Islands Pacific Asia Command' role at the time of the



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incident. The Letter of Warning was sent separately to this Inspector Report, and a copy is attached.

Information and advice

9. The AFP must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. PCBUs should have regard to Part 3.1 of the WHS Regulations and the *Code of Practice: How to Manage Work Health and Safety Risks* when managing risks to health and safety. The AFP must monitor and maintain control measures, particularly any interim controls, to ensure that they remain in use and effective.
10. In relation to this matter, the AFP should refer to the recommendations contained within the Improvement Notice MC00032950-NT01.
11. Learnings regarding control measures as a result of the inspection should be applied across the organisation where applicable.

COMPLIANCE ASSESSMENT

12. I determined a site visit was not necessary to examine the incident scene and sufficient information was able to be obtained voluntarily.
13. Although the WHS Regulations for Asbestos are exempt from application overseas, the AFP still has its primary duty of care in accordance with the WHS Act. To determine what would be considered reasonably practicable, the WHS Regulations can be considered guidance in the circumstance. Given that workers of the AFP were generally aware of ACM in the Solomon Islands it would be reasonable for AFP to consider ACM when complying with its primary duty of care. This forms the basis for the identified breach of the WHS Act in Improvement Notice MC00032950-NT01, specifically:
 - a. The AFP failed to ensure the health and safety of workers when the AFP worker was exposed to the risk of Asbestos. (in accordance with the WHS Act s19(1))
 - b. The AFP failed to ensure the health and safety of other persons was not put at risk when the AFP worker's family was exposed to the risk of Asbestos. (in accordance with the WHS Act s19(2))
 - c. The AFP failed to ensure the health and safety of other persons was not put at risk, by not ensuring the contractor was sufficiently competent to consider the risk of Asbestos before undertaking work on LEN 1 as demonstrated by the damage to ACM. (in accordance with the WHS Act s19(2))



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- d. The AFP failed to maintain accommodation, so far as reasonably practicable so that the AFP worker occupying the premises was not exposed to the risk of Asbestos. (in accordance with the WHS Act s19(4))
 - e. The AFP failed to provide adequate information, training, and instruction or supervision that prevented workers of the AFP from being able to adequately consider the risk of Asbestos in conjunction with points 13a. to 13d. inclusive. (in accordance with the WHS Act s19(3)(f))
14. During my enquiries, information indicated a worker of the AFP directed unsafe work when they instructed another worker to clean up the potential asbestos fibres from ACM in LEN 1 “carefully” – no training or instruction was provided, or appropriate PPE/RPE. This is a breach of the WHS Act s28 (b) when they failed to take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons.
15. Information available also indicated the lack of support to the AFP worker exposed to ACM, post-incident. There appeared to be confusion as to appropriate physical and mental health support avenues, as well as asbestos related information to make informed decisions. This lack of information has the potential to create psychosocial concerns due to uncertainty and lack of clarity around responsibilities and potential health effects. In this instance the worker’s immediate line management reportedly acted to look after the welfare of those affected. Whilst this is commendable, the AFP must provide appropriate resources to ensure this is applied systematically.
16. Consultation more broadly also appeared to be inadequate due to breakdown in communication between the AFP acting to eliminate or minimise the risk so far as reasonably practicable, and the worker who was occupying the residence as part of their role. The AFP worker was first made aware of decisions affecting their health and safety through general management advice to all workers in location. AFP were made aware and have undertaken measures to resolve the consultation and communication issues.
17. The AFP operate in overseas locations as part of their business or undertaking. The presence of ACM would be expected with varying levels in many of these locations. The AFP are best placed to identify and apply appropriate controls in each circumstance. In complying with Improvement Notice MC00032950-NT01, the AFP must consider where else risk of exposure could occur overseas, not just within the Solomon Islands.
18. While control measures should be implemented as soon as possible, Comcare will conduct a Verification Inspection within three (3) months to verify implementation of these measures.



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19. Based on this assessment I form the reasonable belief the AFP are undertaking appropriate actions to resolve the potential risk to health and safety as far as reasonably practicable and the inspection is now closed.

REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s 22
	Email	s 22 @comcare.gov.au
	Phone	s 22
	Date	15 April 2024
	Signature	s 22

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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00032950-VR01
PCBU DETAILS	Name: Commonwealth of Australia acting through its responsible agency the Australian Federal Police ABN: 17864931143 ACN:
REPORT ISSUED TO	Name: s 47F Position: A/Team Leader Injury Prevention, People and Culture Command Cc:
BACKGROUND	
<ol style="list-style-type: none"> On 16 October 2023 Comcare received notification from the Australian Federal Police (AFP) of potential exposure to Asbestos Containing Material (ACM) to workers and others (the incident) that occurred in worker accommodation known as LEN 1, at s 47E(d) Solomon Islands on 13 October 2023. On 10 January 2024 Comcare commenced an inspection under MC00032950 in relation to the incident. On 16 February 2024 Comcare issued an Improvement Notice MC00032950-NT01, noting the following remedial action to be undertaken by AFP: <p>Develop and implement a system to ensure AFP can:</p> <ol style="list-style-type: none"> Safely identify and record the presence and location of asbestos in worker provided accommodation. Identify and implement appropriate control measures to eliminate or minimise the risk of exposure to asbestos where the risk is identified, in consultation with affected workers, relevant duty holders, and appropriately qualified and competent persons. Ensure persons likely to come into contact with asbestos have sufficient expertise or are given sufficient training, information and instruction to manage the risk to their health safety. Monitor controls for effectiveness. Review controls to ensure they remain effective On 1 July 2024 Comcare commenced a Verification Inspection to monitor AFP's progress against the remedial actions identified in Improvement Notice MC00032950-NT01 and to 	



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assess compliance with the Work Health and Safety Act 2011 (Cth) (WHS Act) and Work Health and Safety Regulations 2011 (Cth) (WHS Regulations).

OUTCOMES

5. Based on the information reviewed during the Verification Inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection.
6. The PCBU must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. PCBUs should have regard to Part 3.1 of the WHS Regulations and the *Code of Practice: How to Manage Work Health and Safety Risks* when managing risks to health and safety. The PCBU must monitor and maintain control measures, particularly any interim controls, to ensure that they remain in use and effective.
7. The Verification Inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the AFP has ensured the control measures are effective and are maintained so that they remain effective.

COMPLIANCE ASSESSMENT

8. I determined a site visit was not necessary to examine the remedial actions at paragraph 3.) and sufficient information was able to be obtained in response to the Improvement Notice MC00032950-NT01.
9. I noted the following during the Verification Inspection:
 - a. **Identify and record**
 - i. AFP have sought assurance from joint duty-holders for all properties in Australia regarding ACM, and are auditing extra-territorially, and internationally, with associated duty-holders to identify and record the presence of ACM.
 - ii. Property Lease approval process updated to consider ACM and other hazardous materials as part of procurement and contract management.
 - b. **Implement control measures**
 - i. Standard Operating Procedure (SOP) 'Managing Asbestos in the Workplace' for managers, supervisors, team-leaders, and workers. This



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aims to provide targeted guidance to identify and manage the risk associated with ACM in accordance with the relevant Code of Practice (CoP).

- ii. Updated internal 'Better Practice Guide' to include ACM and other hazardous substances.
- iii. Implemented mandatory internal asbestos awareness training module for all workers.
- iv. Training on asbestos awareness developed by Occupational Hygienist for pre-deployment delivery to workers.
- v. Training for responsible property managers on asbestos management. This includes engagement of contractors and contractor management for asbestos work.
- vi. Asbestos factsheet available on AFP intranet.

c. Monitor control measures for effectiveness

- i. Once initial phase is completed, AFP WHS audit will move to monitor effectiveness via bi-annual inspections outside Australia. Domestic WHS audit conducted quarterly.

d. Review of systems

- i. National and International WHS Committees provide oversight and assurance of communication and consultation for each audit activity.

10. AFP have implemented a system aimed at eliminating or minimising so far as reasonably practicable, the risk arising from ACM in worker accommodation nationally and internationally. AFP must continue to monitor and review for effectiveness in accordance with this system.

11. Based on this assessment I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection and the Verification Inspection is now closed.

REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s 22
	Email	s 22 @comcare.gov.au
	Phone	s 22
	Date	19 September 2024



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	Signature	s 22
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- a court or tribunal



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- enforcement agencies or bodies
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- Commonwealth, state or territory industry regulators
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From: s 22
To: s 47F
Subject: Comcare Monitoring Compliance Inspection MC00033343 - AFP vehicle suffering a mechanical issue - ACT [SEC=OFFICIAL]
Date: Wednesday, 21 February 2024 12:28:00 PM
Attachments: [image001.png](#)
[image004.png](#)
[image002.png](#)
[image003.png](#)

OFFICIAL

CLOSURE ADVICE - COMCARE INSPECTION MC00033343.

I am writing to finalise Comcare's response to the AFP traffic vehicle suffering from a mechanical issue.

Comcare initiated an inspection to assess compliance with the *Work Health and Safety Act 2011* (Cth) (WHS Act) and *Work Health and Safety Regulations 2011* (Cth) (WHS Regulations) in relation to this matter.

Based on the information reviewed during the inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection.

In relation to the incident, I am satisfied that the Australian Federal Police's actions constitute an appropriate response. The Australian Federal Police must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. PCBUs should have regard to Part 3.1 of the WHS Regulations and the *Code of Practice: How to Manage Work Health and Safety Risks* when managing risks to health and safety. The Australian Federal Police must monitor and maintain control measures, particularly any interim controls, to ensure that they remain in use and effective.

I have determined that an Inspector Report is not required and this inspection is now closed. should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the Australian federal Police has exercised due diligence to ensure the application and ongoing effectiveness of relevant controls.

Regards

s 22

s 22

Senior Inspector

Regional Operations ACT Regulatory Operations Group

Inspector appointed under S.156 Work Health and Safety Act 2011 (C'th)

P: s 22

M: s 22

Comcare



GPO Box 9905, Canberra, ACT 2601

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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00034195
PCBU DETAILS	Australian Federal Police ABN: 17 864 931 143 ACN:
REPORT ISSUED TO	Name: s 47F Position: Team Leader Injury Prevention Operations Cc: s 47F
BACKGROUND	
<ol style="list-style-type: none"> On 21 March 2024 Comcare received information regarding an incident that occurred at the Australian Federal Police (AFP) Building, s 47E(d), ACT on 21 March 2024. The information indicated a dust cap on an oxygen cylinder exploded after being under pressure from the air leaving the cylinder. A worker received minor injuries. Comcare commenced an inspection in relation to this matter on 5 April 2024 to monitor and enforce compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act) and the <i>Work Health and Safety Regulations 2011</i> (Cth) (WHS Regulations). The scope of the inspection was to determine the inspection and maintenance arrangements for diving equipment. The risk to health and safety identified during the inspection was the uncontrolled escape of a pressurised substance. 	
OUTCOMES	
<ol style="list-style-type: none"> I formed a reasonable belief that the AFP did not comply with its duties under the WHS Act. AFP has contravened the following: <ol style="list-style-type: none"> WHS Act section 19(d). Refer to the reasons set out below. 	
Remedial actions	
<ol style="list-style-type: none"> While I formed the reasonable belief that AFP did not comply with its duties, I am satisfied effective control measures have now been implemented. Should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that AFP has ensured the control measures are effective and are maintained so that they remain effective. 	



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Information and advice

7. AFP must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. AFP should have regard to Part 3.1 of the WHS Regulations and the *Code of Practice: How to Manage Work Health and Safety Risks* when managing risks to health and safety.
8. In relation to this matter, AFP should consider the following:
 - a. ensure all inspection, cleaning, and refilling of diving equipment is carried out by a competent person.
 - b. update the current dive equipment checklist to include the dust cap pressure relief hole as an item to be checked so that it remains effective.
 - c. consider current storage of cylinders on the truck and if this is best practice.
 - d. consider contacting the manufacturer regarding any recalls or faults of dust caps
9. Learnings regarding control measures as a result of the inspection should be applied across the organisation where applicable.

COMPLIANCE ASSESSMENT

10. I attended the AFP Majura Complex in the conduct of the inspection. The site visit was conducted as an announced inspection. I undertook actions to make relevant Health and Safety Representatives/s aware of my attendance at the workplace to afford the opportunity to engage in the inspection process. I was accompanied by the relevant SHEILD representative, another Comcare Inspector, and a witness to the incident.
11. AFP contravened the WHS Act s19(d) by failing to provide the safe handling and storage of a substance, which resulted in the uncontrolled escape of a pressurised substance.
12. Based on the information reviewed, control measures implemented by AFP following the incident were:
 - a. a review of the storage arrangements of the cylinders.
 - b. inclusion of a secondary function of dust cap for gas escape.
 - c. repair and maintenance completed by a competent person.
13. It appears the root cause of the incident was the cylinder valve being inadvertently opened while returning the cylinder to storage. During the demonstration of the cylinder



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refilling process, when returning the cylinder to storage, it was shown to be possible for the valve to be unintentionally turned on. AFP should consider further consultation with its members on storage practices to eliminate or reduce the risk of unintentional valve activation.

14. In this instance there is a secondary function of the dust cap. The dust cap that failed has a hole to help stop an incident of this nature from happening. The hole serves 2 functions, to attach the cap to the cylinder via a string and aid in releasing any built-up pressure of gas. The string is attached to the neck of the cylinder and passed through a hole and tied off. This cap had a fault. The hole was too small and created a seal around the string strong enough to allow pressure to build up and contribute to the dust cap exploding.
15. AFP investigated the incident and upon discovering the flaw in the cap's hole checked every dust cap on all AFP oxygen cylinders. This inspection found that several other caps presented the same flaw. The AFP immediately remedied the issue by enlarging the holes of affected dust caps. In doing so have assured themselves caps currently in service operate as intended.
16. AFP have required that their third-party maintenance company check the pressure relief hole for operational adequacy when replacing dust caps at regular maintenance intervals.
17. The AFP have investigated the incident and have identified corrective actions Which they believe will control the risk of this incident occurring again. Including assessing alternate storage options for optimal access and developing a Standard Operating Procedure.
18. Based on this assessment I reasonable believe that risk of an uncontrolled escape of a pressurised substance is being controlled and the inspection is now closed.

REPORT ISSUED BY	Inspector	s 22
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	Date	28 May 2024
	Signature	s 22



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- the Safety, Rehabilitation and Compensation Commission
- a court or tribunal
- state or territory work health and safety regulatory agencies
- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
- any other person assisting Comcare in the performance of its functions or exercise of its powers, including contractors and consultants
- any other person where there is an obligation under law to do so (for example but not limited to, responding to the direction of a court to produce documentation).

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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00034539
PCBU DETAILS	Name: Australian Federal Police ABN: 17 864 931 143 ACN:
REPORT ISSUED TO	Name: s 47F Position: WHS Advisor Cc: s 47F
BACKGROUND	
<ol style="list-style-type: none"> On 24 April 2024 Comcare received information regarding an incident that occurred at the Australian Federal Police (AFP) Exhibit Management Centre, s 47E(d) on 24 April 2024. The information indicated a worker received a needlestick injury to a finger while removing property from a vehicle. Comcare commenced an inspection in relation to this matter on 1 May 2024 to monitor and enforce compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act) and the <i>Work Health and Safety Regulations 2011</i> (Cth) (WHS Regulations). The scope of the inspection was to determine how the AFP manage the risk of needle stick injuries when searching vehicles to remove property, including any long-term health monitoring. The risk to health and safety identified during the inspection was the potential exposure to a substance that could cause serious injury or illness 	
OUTCOMES	
<ol style="list-style-type: none"> Based on the information reviewed during the inspection, I did not identify any non-compliance with the WHS Act with respect to the scope of the inspection. 	
Information and advice	
<ol style="list-style-type: none"> AFP must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s17 of the WHS Act. AFP should have regard to Part 3.1 of the WHS 	



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Regulations and the *Code of Practice: How to Manage Work Health and Safety Risks* when managing risks to health and safety.

7. Learnings regarding control measures as a result of the inspection should be applied across the organisation where applicable.
8. Should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that AFP has ensured the control measures are effective and are maintained so that they remain effective.

COMPLIANCE ASSESSMENT

9. I determined a site visit was not necessary to examine the incident scene. Sufficient information was able to be obtained voluntarily.
10. Based on the information reviewed, control measures implemented by AFP prior to the incident were:
 - a. appropriate information including a policy and procedure for Executing Searches and Search Warrants
 - b. appropriate training and instruction including initial and annual refresher training for executing searches and search warrants
 - c. provision of appropriate personal protective equipment (PPE), supplied by the AFP.
11. The AFP has procedures in place to manage the hazards associated with searching and removing of evidence from a vehicle. This procedure has identified syringes as a potential hazard and requires workers to take all reasonable steps to mitigate a needlestick injury. Given the nature of work and potential malicious intent from criminal behaviour it is unreasonable for the AFP to be able to eliminate this hazard. Workers receive training regularly on ways to protect themselves from needlestick injuries. This training starts at basic recruit training and includes yearly mandatory training on best practice.
12. The provision of PPE appears to be a reasonable control measure to help protect a worker from serious injury or illness. In this incident however, the worker was not wearing PPE whilst undertaking the task. It is understood the worker was not wearing PPE as they were not technically searching the vehicle or removing evidence and therefore did not act in accordance with the guidance. In consideration of the level of training and experience of the worker, it was reasonable to expect the worker was reasonably aware of how to protect themselves against this known risk, irrespective of technicalities.



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13. Following the incident the worker was subject to baseline pathology, which has returned a negative result, and will be further monitored in accordance with AFP policy. The worker is due for further pathology in 3 months. If the worker returns a positive result during the health monitoring, I suggest the AFP notify the incident again and reference the Monitoring and Compliance number on this report (MC00034539). I have been assured the AFP are reviewing procedures for the searching removal of evidence from a vehicle to ensure they are reasonable and practicable. As the AFP are the experts in searching vehicles and removing evidence, I am confident they are in the best position to assess these procedures. In addition, the AFP will consult with workers on PPE suitability and assess the market for potential options that may better protect workers.
14. Based on this assessment I have formed the reasonable belief that the AFP is aware of the hazard and has measures in place to minimise the risk.
15. The inspection is now closed.

REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s 22
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	Date	29 May 2024
	Signature	s 22



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- personnel engaged by Comcare to conduct research related activities
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- state and territory Coroners
- Commonwealth, state or territory industry regulators
- any other person assisting Comcare in the performance of its functions or exercise of its powers, including contractors and consultants
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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00034946	
PCBU DETAILS	Name: Australian Federal Police ABN: 17 864 931 143 ACN:	
REPORT ISSUED TO	Name: s 47F Position: A/Team Leader, Injury Prevention Cc: Shield Injury Prevention	
BACKGROUND		
<p>1. On 26 April 2024 Comcare received notification an incident (NOT00034558) that occurred at s 47E(d) , s 47F</p> <p>3. Comcare commenced an inspection in relation to this matter on 31 May 2024 to monitor and enforce compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act) and the <i>Work Health and Safety Regulations 2011</i> (Cth) (WHS Regulations).</p> <p>4. The scope of the inspection was to determine if the s 47F</p>		
OUTCOMES		
<p>5. I determined a site visit was not necessary to examine the incident scene. Sufficient information was obtained through the use of statutory powers.</p> <p>6. s 47F</p> <p>7. This inspection is now closed.</p>		
REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s 22
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	Date	12 June 2024



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- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00037718
PCBU DETAILS	Name: Australian Federal Police ABN: 17 864 931 143 ACN:
REPORT ISSUED TO	Name: s 47F Position: Team Leader – WHS Command Cc: s 47F
BACKGROUND	
<ol style="list-style-type: none"> On 19 February 2025 a proactive work health and safety inspection was commenced with Australian Federal Police (AFP) as part of <i>Regional Engagement Program 2024- 2025 – Consultation, Co-operation, Coordination (C3) Program</i>. The purpose of the inspection was to monitor compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act) and the <i>Work Health and Safety Regulations 2011</i> (Cth) (WHS Regulations). The scope of the inspection was to examine whether persons conducting a business or undertaking (PCBU) has implemented a system for Consultation, Cooperation and Coordination (C3) that allows it to achieve legislative compliance and ensure that the PCBU's stated requirements are in use and systematically reviewed to ensure they deliver the PCBU's intended WHS outcomes. 	
OUTCOMES	
<ol style="list-style-type: none"> Based on the information reviewed during the inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection. 	
Information and advice	
<ol style="list-style-type: none"> The PCBU must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. PCBUs should have regard to Part 3.1 of the WHS Regulations and the <i>Code of Practice: How to Manage Work Health and Safety Risks</i> when managing risks to health and safety. The PCBU must monitor and maintain control measures, particularly any interim controls, to ensure that they remain in use and effective. Learnings regarding control measures as a result of the inspection should be applied across the organisation where applicable. Comcare draws AFP attention to their duties to consult, so far as is reasonably practicable, with works and HSRs on work health and safety matters. Comcare encourages PCBUs to share inspector reports, 	



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or to provide access to relevant content or information regarding hazards and associated risks, with their workers, including HSRs. PCBU's must, so far as is reasonably practicable, 'consult with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to work health and safety' (s47).

8. Compliance with this duty may be assisted by sharing health and safety information from inspector reports with relevant workers and/or their representatives. PCBU's should also note that HSRs are empowered to receive information relevant to their work groups, and that as a function of their role, may request access to inspector reports, or relevant information within them. Comcare encourages PCBU's to have regard to their consultation duties, and to their obligations to HSRs under the WHS Act when responding to such requests (see s49, 70(1)(a), 70(1)(c), 71 and 79(3)).

COMPLIANCE ASSESSMENT

9. On 18 March 2025 I attended the AFP office in Barton. The visit was conducted as an announced inspection.
10. I undertook actions to make relevant Health and Safety Representative aware of my attendance at the workplace and afford the opportunity to engage in the inspection process.
11. Based on the documentation provided prior to the inspection and the information reviewed during the inspection, I did identify elements within the Comcare Consultation, Cooperations and Coordination checklist that could not be demonstrated. As discussed during the meeting, AFP should consider:
 - a. policies and/or procedures which ensure updates to relevant policies/procedures are provided to the WHS committees to demonstrate consultation, cooperation & coordination,
 - b. processes to ensure consultation occurs with HSRs or HSR committees on policy/procedure/risk assessments,
 - c. processes to ensure, and evidence that workers were consulted and agreed to the changes
 - d. an issue resolution process that outlines the WHS Regulator (Comcare) can be contacted to resolve an ongoing issue,
 - e. a review schedule for policy/procedure,
12. Based on the information reviewed, control measures implemented by the AFP in relation to Consultation, Cooperation & Coordination were:
 - a. policies and/or procedures which identify the requirements to consult on WHS matters with workers, HSRs and other duty holders.
 - b. policies and/or procedures which ensure
 - i. the relevant information is shared with workers,
 - ii. workers are given reasonable opportunities to express their views and raise WHS issues in relation to matters



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- iii. workers are able to contribute to the decision-making process in relation to the matter,
 - iv. the views of the workers are considered by the PCBU,
- c. policies and/or procedures which ensure consultation occurs when:
 - i. identifying hazards and assessing risks to health and safety arising from the work carried out, or to be carried out by the PCBU,
 - ii. making decisions about ways to eliminate or minimise those risks
 - iii. making decisions about the adequacy of facilities for the welfare of workers
 - iv. proposing changes that may affect the health or safety of workers
 - v. making decisions about the Procedures for;
 - 1. consulting with workers
 - 2. resolving WHS issues at the workplace
 - 3. monitoring the health of workers,
 - 4. monitoring the conditions of any workplace under control of the PCBU,
 - 5. providing information and training for workers.
- d. an issue resolution system which is formalised and meets the requirements of, or makes suitable reference to Reg 23 of the Work Health and Safety Regulations 2011,
- e. an issue resolution system that outlines that either party to the issue may raise there is an issue,
- f. an issue resolution process that outlines that the parties involved must have regard to
 - i. the degree and immediacy of the risk to those affected by the issue
 - ii. the number and location of those affected by the issue
 - iii. the measures (both temporary and permanent) that must be implemented to resolve the issue
 - iv. who will be responsible for implementing the resolution measures.
- g. an issue resolution process which outlines that if a written agreement is prepared, all parties must be satisfied that the agreement reflects the resolution of the issue, and a copy of the written agreement must be given to
 - i. all parties to the issue, and
 - ii. if requested, to the health and safety committee of the workplace.
- h. processes to ensure workers, HSRs and contractors are aware of the consultation, cooperation & coordination and WHS issue resolution policies/procedures in place.



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- i. sought feedback from its workers and their representatives during the development of policy/procedures,
- j. considered the feedback it received in relation to the policy/procedures,
- k. sought feedback from its workers and their representatives during the development of risk assessment(s),
- l. considered the feedback it received in relation to the risk assessment(s),
- m. a review schedule for the risk assessment(s),
- n. consulted with another PCBU on a WHS matter,
- o. considered the feedback it received from the other PCBU on the matter,

13. Discussions with an HSR, a worker and a contractor demonstrated that:

- a. they can locate and identify the policy and procedures for consultation, cooperation and coordination and Issue Resolution.
- b. they have seen and/or participated in consultation with the PCBU on a WHS matter
- c. HSR's are provided training in accordance with legislative requirements. The documents provided indicated that HSR's are consulted on matters affecting their workgroup's health and safety,

14. Based on this assessment I did not identify any non-compliance with the scope of the activity and the inspection is now closed.

REPORT ISSUED BY	Inspector	s 22
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	Date	21-03-2025
	Signature	s 22



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Comcare is the Commonwealth agency authorised by the WHS Act to collect personal information relevant to the exercise of functions and powers under the WHS Act, WHS Regulations and the administration and evaluation of Comcare's WHS programmes. Any personal information collected in these forms will be used for those purposes.

In exercising our functions and powers, Comcare may disclose personal information, subject to confidentiality of information provisions under the WHS Act, to the following bodies and agencies, including but not limited to:

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- a court or tribunal
- state or territory work health and safety regulatory agencies
- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
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INSPECTOR REPORT
PSYCHOSOCIAL PROACTIVE INSPECTION PROGRAM
AUSTRALIAN FEDERAL POLICE

31 August 2023



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EXECUTIVE SUMMARY

Comcare engaged with the Australian Federal Police (AFP) as part of a Psychosocial Proactive Inspection Program. The inspection involved visits by Comcare inspectors to meet with senior leaders, health and safety representatives and workers to the following AFP operational areas/commands:

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In addition to the abovementioned meetings, Comcare inspected documents provided by AFP and information/documents on the AFP intranet.

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Comcare will undertake a verification inspection after six-months from the date of this report. Comcare will liaise with AFP when Comcare commences planning of the verification inspection.

Comcare thanks AFP for their professionalism and willingness to engage openly and constructively throughout the course of this inspection.

The inspection is now closed.



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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00029980
PCBU DETAILS	Name: Commonwealth of Australia in the right of the Australian Federal Police ABN: 17864931143
REPORT ISSUED TO	Name: s 47F Position: Performing the role of Manager SHIELD Strategy and Capability
BACKGROUND	
<ol style="list-style-type: none"> 1. Comcare is undertaking a Psychosocial Proactive Inspection Program ('Program') in accordance with its regulatory functions to provide advice and information on work health and safety ('WHS') to duty holders, and to monitor and enforce compliance with the <i>Work Health and Safety Act 2011 (Cth)</i> ('WHS Act'). 2. As of 1 April 2023, work-related psychosocial hazards and risks are regulated by Comcare pursuant to s55A-55D of the <i>Work Health and Safety Regulations 2011 (Cth)</i> ('WHS Regulations') and under the WHS Act.¹ 3. The scope of the Program is to assess compliance with the WHS Act and WHS Regulations pertaining to the identification and management of work-related psychosocial hazards, and to facilitate compliance (where non-compliance is identified) through the provision of information and advice. 4. On 15 March 2023, Comcare met with representatives from Australian Federal Police ('AFP') SHIELD to discuss the participation of AFP in the Program. Following the meeting and in further consultation with AFP representatives, it was agreed that Comcare would undertake workplace inspections at the areas/commands listed in Table 2. 5. Comcare subsequently undertook workplace visits, which comprised engagement with senior AFP leaders (tier 1), work health and safety personnel and health and safety representatives (tier 2) and employees and other workers (tier 3), conducted at the dates, times and locations listed in Table 2. 6. The workplace visits were conducted in accordance with the principles set out in Comcare's <i>PCBU Guide to the Psychosocial Proactive Inspection Program Pilot</i>. This document was provided to the AFP prior to the initial visit. 7. In addition to workplace visits, Comcare exercised its powers under s 155(2) of the WHS Act on two occasions to obtain information and documents from AFP, which Comcare subsequently inspected.² 	

¹ See especially s 19.

² MC00029980 -NT01 (issued 12/05/2023), MC00029980 -NT02 (issued 11/07/2023).



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8. Comcare thanks AFP for participation in this Program. Comcare wishes to acknowledge the professional, constructive and candid manner in which AFP representatives (worker and senior leaders) assisted Comcare inspectors throughout the course of the visits.

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COMPLIANCE ASSESSMENT PART I – RISK MANAGEMENT SYSTEMS

Note. Refer to the Comcare *Guide to the Psychosocial Proactive Inspection Program* (Appendix D) for further information about each subheading in this part.

17. WHS MANAGEMENT SYSTEM AND PSYCHOSOCIAL RISKS

- 17.1. The *Work Health and Safety Act 2011* (Cth) (**WHS Act**)³ provides that a Person Conducting a Business or Undertaking ('PCBU') has a primary duty of care and must ensure the health and safety of:

- (a) workers engaged, or caused to be engaged by the person; and
 - (b) 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.

- 17.2. In exercising its primary duty of care, a PCBU is required to ensure, so far as reasonably practicable, the provision and maintenance of safe systems of work.⁴

- 17.3. When implementing controls to manage work health and safety risks from psychosocial hazards, the WHS Regulations require that a PCBU must have regard to all relevant matters⁵ including the systems of work and how work is managed, organised and supported.⁶

- 17.4. The *Model Code of Practice for Managing Psychosocial Hazards at Work*⁷ explains that:

Systems of work are organisational rules, policies, procedures and work practices used to organise, manage and carry out work. These systems can introduce psychosocial hazards, but if carefully considered can also help control them.

For example, a system of work that does not allow workers to seek assistance from supervisors, or that allocates tasks without regard for other work demands may introduce hazards. A system of work which provides for support and manages job demands may assist to control risks.⁸

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³ *Work Health and Safety Act 2011* (Cth) (WHS Act) s 19(1).

⁴ *Ibid* s 19(3)(c).

⁵ *Work Health and Safety Regulations 2011* (Cth) (WHS Regulations) cl 55D.

⁶ *Ibid* s 5D(2)(d).

⁷ Safe Work Australia (2022)

⁸ *Ibid* 13



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- 17.11. It is an offence under the WHS Act to engage in discriminatory conduct against a person for raising or proposing to raise a work health and safety issue or concern.¹² It is also an offence to request, instruct, induce, encourage, authorise or assist such discriminatory conduct.¹³

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¹²WHS Act (n 3) s 107; WHS Regulations (n 5) ss 104-106

¹³ See also: [interpretative guideline - discriminatory conduct.pdf \(safeworkaustralia.gov.au\)](https://www.safeworkaustralia.gov.au/interpretative-guideline-discriminatory-conduct)



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19. WHS DUTIES

- 19.1. The WHS Act imparts non-transferrable¹⁵ duties on PCBU,¹⁶ officers of a PCBU,¹⁷ workers,¹⁸ and other persons in the workplace. Advice on how to exercise those duties is provided in s 1.2 of the *Model Code of Practice Managing Psychosocial Hazards at Work*.¹⁹
- 19.2. Officers of a PCBU have a duty to exercise due diligence, as set out in s 27 of the WHS Act. This includes, among other things:
- taking reasonable steps to acquire and keep up-to-date knowledge of work health and safety matters (including psychosocial risks),
 - ensuring the PCBU has appropriate processes for receiving and considering information regarding incidents, hazards and risks and responding in a timely manner,
 - ensuring appropriate resources and processes are available to eliminate or minimise health and safety risks (including psychosocial risks).²⁰

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¹⁵ WHS Act (n 3) s 14

¹⁶ e.g. WHS Act (n 3) s 19

¹⁷ e.g. WHS Act (n 3) s 27

¹⁸ e.g. WHS Act (n 3) s 28

¹⁹ Safe Work Australia (2022).

²⁰ WHS Act (n 3) s 27, see especially s 27(5).



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23. TRAINING, INSTRUCTION, AND SUPERVISION

23.1. s 19(3)(f) of the WHS Act provides that a PCBU must ensure, so far as reasonably practicable:

(f) the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking...

23.2. cl 39 of the WHS Regulations provides that a PCBU must ensure that information provided for the purpose of s 19(3)(f) is suitable and adequate, having regard to:

(a) the nature of the work carried out by the worker; and

(b) the nature of the risks associated with the work at the time the information, training or instruction is provided; and

(c) the control measures implemented.

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24. CONSULTATION, COMMUNICATION AND COORDINATION

- 24.1. The WHS Act provides that a PCBU must, so far as reasonably practicable, consult with workers working for the PCBU or who are likely to be directly affected by a matter relating to health and safety.²⁷ If workers are represented by a Health and Safety Representative (HSR), consultation must include the HSR.²⁸
- 24.2. Consultation is required in relation to matters enumerated in s 49 of the WHS Act, including:
- (a) when identifying hazards and assessing risks to health and safety arising from the work carried out or to be carried out by the business or undertaking;
 - (b) when making decisions about ways to eliminate or minimise those risks²⁹
- 24.3. The statutory mechanisms for consultation include Health and Safety Representatives (ss 50-74) and/or Health and Safety Committees (ss 75-9) depending on negotiations between workers and the PCBU. Other consultation mechanisms are described in the *Work Health and Safety Consultation, Co-operation and Co-ordination Code of Practice 2015*.³⁰

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²⁷ WHS Act (n 3) s 47

²⁸ Ibid s 48(2)

²⁹ Ibid s 49

³⁰ [Work Health and Safety \(Work Health and Safety Consultation, Co-operation and Co-ordination\) Code of Practice 2015 \(legislation.gov.au\)](https://www.legislation.gov.au/idx/idx.cfm?act=1&doc=1&docid=1344444)



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PART II – OTHER MATTERS ENQUIRED INTO

Note. This Part provides an assessment of Comcare's enquiries into specific issues that became evident throughout the course of Comcare's inspection at AFP.

26. JOB DEMANDS

- 26.1. The psychosocial hazards of high or low job demands can give rise to foreseeable risks to health and safety. The *Managing Psychosocial Hazards at Work Model Code of Practice*³⁴ describes the hazards of high or low job demands in the following terms:

Sustained or intense high levels of physical, mental or emotional effort which are unreasonable or chronically exceed workers' skills, or sustained low levels of physical, mental or emotional effort. A job can include periods of high and low job demands. A job can also involve a combination of low or high mental, emotional and physical demands.

- 26.2. A PCBU must manage risks associated with psychosocial hazards, including high or low job demands by eliminating the risk or, if not reasonably practicable to eliminate the risk, minimising the risk so far as reasonably practicable.³⁵ When implementing controls to minimise a psychosocial risk, a PCBU must have regard to all relevant matters, including, inter alia.

(a) the duration, frequency and severity of the exposure of workers and other persons to the psychosocial hazards; and

(b) how the psychosocial hazards may interact or combine

...³⁶

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³⁴ Safe Work Australia, July 2022 pp 33-4

³⁵ WHS Regulations (n 5) cl 33, 35, 55D(1)

³⁶ Ibid s 55D(2)



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30. CONCLUSION

- 30.1. Based on this assessment, the inspection is now closed.
- 30.2. Comcare will undertake a verification inspection after six-months from the date of this report. Comcare will liaise with AFP when Comcare commences planning of the verification inspection.



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DISCLAIMER

This report contains information that may assist you to take steps regarding your obligations under the WHS Act. You must refer to the Commonwealth *Work Health and Safety Act 2011* (WHS Act) and the *Work Health and Safety Regulations 2011* (WHS Regulations) to understand your duties and obligations. Comcare's external website contains links to WHS legislation.

Comcare does not accept liability for any errors or omissions or for any loss or damage suffered by you or any person which arises from your reliance on this report or for any breach by you of your obligations under the WHS Act. Where a Comcare inspector has inspected a particular workplace, it is not a representation by Comcare that the particular workplace is in any way free of hazards.

IF YOU DO NOT AGREE WITH A DECISION

If you disagree with the outcome of this inspection, you may seek an internal reconsideration of the inspector's decision. A request for a review should be sent to statutory.oversight@comcare.gov.au including any additional information or evidence you have to support your request. Comcare will review your request and advise of the outcome in writing within 20 business days. If you would like to clarify any aspect of this report, you can contact the inspector directly.

Comcare has a range of publications and fact sheets to help explain your responsibilities and provide guidance to make your workplace safer. The Compliance and Enforcement Policy provides guidance as to how Comcare approaches regulation. To access these, visit our website.

PRIVACY STATEMENT

Your privacy is important to us. Comcare will only collect, use or disclose personal information in accordance with the Commonwealth Privacy Act 1988 and if it is reasonably necessary for, or directly related to, one or more of our functions, powers and/or activities. These include functions and activities under the following Commonwealth legislation: Safety, Rehabilitation and Compensation Act 1988, the WHS Act, the Seafarer's Rehabilitation and Compensation Act 1992, and the Asbestos related Claims (Management of Commonwealth Liabilities) Act 2005. If Comcare is unable to collect, use and disclose your personal information for our WHS regulatory requirements, we may not be able to provide these services and respond appropriately.

Comcare may also need, in accordance with the Privacy Act 1988, and subject to confidentiality of information provisions under the WHS Act, to collect your personal information from, and disclose your personal information to, a number of parties, including but not limited to:

- Comcare's internal and external legal advisers
- the Safety, Rehabilitation and Compensation Commission
- a court or tribunal
- state or territory work health and safety regulatory agencies
- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
- any other person assisting Comcare in the performance of its functions or exercise of its powers, including contractors and consultants
- any other person where there is an obligation under law to do so (for example but not limited to, responding to the direction of a court to produce documentation).

It is unlikely Comcare will provide personal information to anyone in an external territory or outside Australia, unless the information relates to an incident, investigation, injury or illness sustained while overseas, or treatment provided by an overseas practitioner. If disclosure of personal information is



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made to someone overseas, Comcare will follow the Australian Privacy Principles that relate to disclosure to overseas entities.

Accuracy of personal information. Comcare wants to ensure personal information is up to date and complete. Our Privacy Policy explains how to access personal information held about you and how to go about making any corrections.

Complaints. If you think Comcare has interfered with or breached your privacy (relevant to the Privacy Act 1988), our Privacy Policy contains information about what you should do and how we will respond.

For a copy of our Privacy Policy, to request a change of your personal information or to make a privacy complaint please refer to www.comcare.gov.au/privacy. You can also contact us on 1300 366 979 or email us at privacy@comcare.gov.au.



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APPENDIX B – Recommended Resources

Resource (hyperlinked)	Remarks	Topic
Safe Work Australia – Model Code of Practice - Managing Psychosocial Hazards at work	Safe Work Australia’s Model Code of Practice – Managing Psychosocial Hazards at Work provides guidance to duty holders on how to identify and manage psychosocial hazards. In the absence of an approved Code of Practice in the Commonwealth jurisdiction, the Model Code of Practice provides guidance that is consistent with the Model WHS Act and Regulations.	Psychosocial Risk Management (primary guidance)
Comcare - Reducing the Psychosocial Risk of Workplace Change	Comcare’s Reducing the Psychosocial Risk of Workplace Change self-assessment tool can support work health and safety risk management during organisational change	Change management
Comcare - Change management checklist	Comcare’s change management checklist is a self-assessment tool for work health and safety risk management during organisational change	Change management
Comcare - better practice EAP resources	Comcare’s better practice EAP resources and guidance support employers with the procurement and monitoring of EAP services to improve organisational outcomes and workers’ health and wellbeing. Resources include: (1) Principles for Better Practice EAPs, (2) Monitoring and Evaluation Framework for EAP Counselling Services, and (3) Sample EAP Evaluation dashboard.	Employee Assistance Programs (EAP)
Respect@Work website	The Respect@Work website by the Australian Human Rights Commission, brings together a comprehensive set of resources to support individuals and organisations to better understand, prevent and address workplace sexual harassment.	Harassment including sexual harassment
Safe Work Australia - Preventing workplace sexual harassment guide	SafeWork Australia’s Preventing workplace sexual harassment guide supports PCBUs to meet their duties under WHS laws to eliminate and minimise risks to health and safety so far as is reasonably practicable. This includes considering the physical work environment, work systems and workplace policies	Harassment including sexual harassment
AHRC - Toolkits	The AHRC’s Toolkits and guidance material are designed to help promote diversity and prevent discrimination in the workplace. They provide practical support to develop effective policies and practices in areas including gender equality, sexual harassment, recruitment and retention of older workers, managing employees with family and	Harassment including sexual harassment



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	carer responsibilities, workplace cultural diversity and employment of people with disabilities.	
Comcare - Work Demands Guidance	Practical guidance to understand and identify work-related stress, then proactively eliminate, reduce, and manage the risks to prevent harm to workers.	Job Demands
SafeWork NSW - Lack of role clarity	SafeWork NSW have published a 'tip sheet' on role clarity, role conflict and work-related stress.	Lack of role clarity
Comcare - Lead Indicators Mentoring Program	Comcare's Lead Indicators Mentoring Program trialled the use of a lead indicator tool; the Psychosocial Safety Climate (PSC) was chosen. Given the complexities and misunderstanding surrounding the effective use of lead indicators, the Program was designed to include an employer mentoring component, to build and develop the capability of employers and leaders to reduce the risk of WHS harm, through the implementation of the PSC Framework. PSC refers to the corporate climate for psychological health, and concerns the priorities, policies, practices and procedures an organisation has to prevent stress and psychological harm.	Lead indicators
SafeWork NSW - Levels of control and work-related stress	SafeWork NSW have published a 'tip sheet' on Levels of control and work-related stress.	Low job control
National Mental Health Commission - Mentally Healthy Workplaces beta site	The Mentally Healthy Workplaces beta site (open for feedback) by the National Mental Health Commission provides a nationally consistent approach to workplace mental health and a one-stop shop of curated high-quality resources, advice and tools from a range of organisations. The platform contains a collection of learning modules on the core elements of a Mentally Healthy Workplace and allows users to track their progress.	Mental health
SafeWork NSW - Organisational justice and work-related stress	SafeWork NSW have published a 'tip sheet' on organisational justice and work-related stress.	Organisational Justice
People at Work	People at Work is a free and validated Australian psychosocial risk assessment survey, that assesses a number of the most common psychosocial hazards and factors. The survey forms part of a five-step process to identify, assess and control risks to psychosocial health at work. It is a collaboration between and jointly funded by Australian work health and safety regulators.	Psychosocial Risk Assessment



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SafeWork NSW - Recognition and Reward	SafeWork NSW have published a 'tip sheet' on recognition and reward and minimising work-related stress.	Reward and recognition
Respect@Work - Celebrating positive behaviours in organisations	Respect@Work has a page with practice examples of how to recognise and reward positive behaviours in the workplace.	Reward and recognition
Comcare – Mental Health Stigma	Comcare website has a page detailing mental health stigma in the workplace and how employers and managers can reduce it. Beyond this, there is some new guidance on the way	Stigma
APSC - Compassionate Foundations – Suicide Prevention Capability Suite	Compassionate Foundations – Suicide Prevention Capability Suite by the Australian Public Service Commission, is a foundational, virtual and self-directed (approximately 4 hours) suite designed to support positive human-to-human interactions that promote connection and understanding. The purpose of the suite is to help participants respond early and before a person's experience leads them to become distressed and/or suicidal. These skills include being compassionate, being aware of the needs of people in vulnerable situations, understanding why people may become distressed and knowing how to have a helpful and safe conversation with someone who may be showing early signs of distress.	Suicide Prevention
Comcare - Good Work Design	Comcare's Good Work Design videos and resources help to build manager capability for designing good work for participation and productivity, via a suite of ten micro learning videos and written resources. The resources translate the evidence of good work design into practice and complement the Safe Work Australia Good Work Design Principles. The theme of the resources is 'What great managers do'.	Work design
Training list by topic Comcare	Comcare has eLearning modules and other resources available for training on psychosocial hazard, psychosocial risk management, and other WHS issues. Training products have been specifically tailored for different audiences and roles, such as workers, middle managers and supervisors, senior and executive managers and health and safety representatives.	Training



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APPENDIX D - PCBU Guide to the Psychosocial Proactive Inspection Program (Pilot)



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GUIDE TO THE PSYCHOSOCIAL PROACTIVE INSPECTION PROGRAM

PILOT

This guide is in three sections:

The *Introduction* provides background, context and an overview of the (pilot) program methodology as well as Comcare's regulatory approach.

The *Systems Compliance Assessment* and *Worker Engagement* sections provide details about those components of the program.

As of 01 April 2023 Commonwealth WHS regulations relating to psychosocial hazards will be in force. A Commonwealth Code of Practice is forthcoming.

Until a Commonwealth code is approved references in this document will be made to the *Model Code: Managing Psychosocial Hazards at Work* developed by Safe Work Australia (SWA) as a useful resource. The 14 psychosocial hazards identified here are drawn from the model code.

Model regulations are also available from Safe Work Australia.

However, at the Commonwealth level *the hierarchy of controls as a method to control risks is a legislated requirement for psychosocial hazard management under part 3.1.*

In the model regulations the hierarchy of controls is specifically excluded as a requirement.

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Introduction

Background

In November 2021, Comcare committed to the development of a Psychosocial Proactive Inspection Program (the Program), to regulate psychosocial hazard and risk management in the Commonwealth work health and safety (WHS) jurisdiction.

This followed a number of key events:

- The 2018 Productivity Commission inquiry into mental health¹, which found that the risks of psychosocial injury are not being adequately prevented or managed in workplaces.
- The 2018 review of Australia's model WHS laws by independent reviewer, Ms Marie Boland (the Boland Review)², which comprised recommendations about updating the model laws to better address psychosocial hazards and risks.
- Acceptance by WHS Ministers in May 2021 of all Boland Review recommendations, and a decision by WHS Ministers to develop new regulations³ and a *Model Code of Practice: Managing psychosocial hazards at work*, (the Model Code)⁴.
- The 2019 *National Inquiry into Sexual Harassment in Australian Workplaces (Respect@Work report)*⁵.
- A measure announced by Government as part of the 2020-21 Mid-Year Economic and Fiscal Outlook for Comcare to establish a new psychosocial inspectorate to support mentally healthy and safe workplaces within our jurisdiction⁶.

Comcare's 2022-2025 *Prevention Strategy*⁷ identified priority concerns as *Bullying and Harassment* and *Work Demands*. Comcare's own deidentified claims data indicates that psychosocial injury claims are increasing. On average psychological claims result in longer time off work, have poorer return to work outcomes, and are more costly when compared to other injury and disease claims.

Comcare is committed to mental health and suicide prevention and acknowledges that workplaces need collaborative regulation and more support to address these issues, through management of psychosocial risks and hazards.

Comcare's understanding of Commonwealth PCBU's⁸ maturity to manage psychosocial risks and hazards requires enhancement. We also know that our guidance to the Commonwealth jurisdiction regarding evidence-based best practice management of psychosocial risks and hazards needs to be updated to align with upcoming reform of the WHS legislative framework.

Program objectives

To this end, Comcare has designed the Program to do the following, in accordance with our organisational purpose: *promote and enable safe and healthy work*.

¹ Productivity Commission (2020), *Mental Health, Report no. 95* (available at <https://www.pc.gov.au/inquiries/completed/mental-health/report>)

² Boland, Marie (2018) *Review of the model Work Health and Safety laws Final report* (available at <https://www.safeworkaustralia.gov.au/law-and-regulation/model-whs-laws/review-model-whs-laws>)

³ Commonwealth of Australia (2023) *Work Health and Safety Amendment (Managing Psychosocial Risk and Other Measures) Regulations 2022 (Div 11)* (available at: <https://www.legislation.gov.au/Details/F2023L00012>)

⁴ Safe Work Australia (2022) *Model Code of Practice: Managing psychosocial hazards at work* (available at <https://www.safeworkaustralia.gov.au/doc/model-code-practice-managing-psychosocial-hazards-work>)

⁵ Human Rights Commission (2020) *Respect@Work: National Inquiry into Sexual Harassment in Australian Workplaces* (available at <https://humanrights.gov.au/our-work/sex-discrimination/publications>)

⁶ Commonwealth of Australia (2021) *Mid-Year Economic and Fiscal Outlook 2021-22* (available at <https://archive.budget.gov.au/2021-22/myefo/download/myefo-2021-22.pdf>)

⁷ Comcare (2022) *Prevention Strategy 2022-2025* (available at <https://www.comcare.gov.au/about/forms-publications/documents/publications/corporate-publications/Comcare-Prevention-Strategy-2022-2025.pdf>)

⁸ **Person Conducting a Business or Undertaking**, as defined in the *Work Health and Safety Act 2011 (Cth)*.

The Program's objectives are as follows:

- Enhance regulatory approach to psychosocial risks through prevention and regulatory response.
- Review Comcare's inspector processes to ensure alignment to contemporary mental health regulatory approaches and the new *Code of Practice: Managing Psychosocial Hazards at Work*.
- Establish a Psychosocial Risk Inspectorate capability.
- Deliver proactive regulatory activities to verify increased compliance for psychosocial health risks for priority PCBUs.
- Psychosocial risk inspection guidance is reviewed and updated and aligned to contemporary approaches to psychosocial health regulation.

In focusing on the above, the Program reflects Comcare's strategic objectives, regulatory priorities and *Compliance and Enforcement Policy*, which is aligned to SWA's *National Compliance and Enforcement Policy*.

Program methodology

In executing the Program, Comcare plans to use a proactive inspection methodology.

What is a proactive inspection?

A proactive inspection is an intelligence and data led inspectorate activity that promotes health and safety. This inspection is not undertaken in response to a reactive trigger such as an incident notification. Proactive inspections as part of the Pilot are intended to identify, assess and verify the existence and effectiveness of PCBU systems in managing psychological hazards in the absence of an incident or injury.

What does it entail?

The Pilot involves Comcare's Inspectors and key stakeholders from other areas of Comcare undertaking the following:

- Examining the system management of common psychosocial hazards
- Assessing compliance relating to the systems management of psychosocial risks against existing legislative requirements and
- Issuing an inspector report detailing the outcomes of the proactive inspection activity. Information and advice relating to non-compliance will be provided in the form of recommendations in the report, to assist PCBUs to move towards compliance and prepare them for the adoption of the Model Work Health and Safety Regulations for psychosocial risks and the model Code.
- If non-compliance is identified within the inspector report, a verification inspection will be undertaken at a reasonable time negotiated with the PCBU and follow existing Regulatory Operations Group procedures.

How will it be deployed?

Comcare has communicated to its jurisdiction at a high level about the Pilot and Psychosocial Proactive Inspection Program proper. Comcare's future approach to communications about the Program will be informed and developed throughout conduct of the Pilot.

Proactive engagements will be undertaken through the inspector making inquiries at the workplace in accordance with Section 165 of the *Work Health and Safety Act 2011* (Cth) (WHS Act). This will occur across three tiers:

1. Senior management engagement to understand and assess executive commitment to achieving a mentally healthier and legislatively compliant workplace. This engagement will be undertaken with Comcare's Strategic Partnership & Engagements team in attendance as observers and to provide an opportunity for a collaborative and educative process.

2. Standard WHS Inspection approach engaging at WHS team & middle management level to review the WHS management system and particularly to identify and understand the systems presently in place to manage the risks relevant to psychosocial hazards.
3. Worker level engagement, including HSR engagement where relevant, to assess the extent of consultation, representation and participation and the provision of training, instruction and supervision.

Compliance will be assessed against existing legislative requirements with specific reference to the approved [Work Health and Safety \(How to Manage Work Health and Safety Risks\) Code of Practice 2015](#). Foreseeable hazards and risks assessed against include the 14 “Common Psychosocial Hazards” as detailed in the *Model Code of Practice Managing Psychosocial Hazards at Work*.

The preferred regulatory tool to be employed through the Pilot is the provision of targeted information and advice regarding compliance with WHS duties. Provision of information and advice is a function of an Inspector under Section 160 of the WHS Act. Where non-compliance is identified and the risk of injury or illness to workers is high and imminent, the matter will be escalated to the Inspectorate as a WHS Concern.

Program Pilot objectives

In accordance with our strategic priority of insight driven and risk and evidence-based practice, and to ensure the integrity and efficiency of the Program, Comcare will test the proposed program objectives, methodology and tools through the execution of a Program Pilot.

Specifically, the Program Pilot will examine Comcare’s abovementioned three-tiered engagement approach to assess PCBU’s system existence and effectiveness managing psychosocial hazards; and whether Comcare’s proposed proactive inspection approach and supporting tools enable Comcare to meet the Program’s objectives.

Following completion of the Program Pilot, Comcare will have a clear picture of whether the Program objectives are appropriate and attainable. Any gaps in our methodology and tools will be assessed along with any barriers that may prevent us from achieving (potentially revised) Program objectives.

Privacy

Comcare will conduct the Program Pilot in accordance with Comcare’s CEO Direction on Privacy, the Privacy Act 1988 (Cth), section 271 of the WHS Act and the Australian Privacy Principles.⁹

Where individual workers are engaged throughout the Program Pilot, Comcare will follow privacy considerations outlined in the Program *Worker Engagement Tool*, which details that worker engagement is voluntary and anonymous.

⁹ <https://www.comcare.gov.au/site-information/privacy>

Systems Compliance Assessment

The Psychosocial Proactive Inspection Program will include a systems compliance assessment. In conducting the assessment, Comcare inspectors will be seeking information and documentation relating to systems in place to manage psychosocial hazards at work, both in terms of the overarching health and safety system as well as considering particular (and/or combinations of) psychosocial hazards.

This section is intended to provide an understanding of the types of questions Comcare inspectors will be asking, as well as to point to resources available for further information and assistance in understanding and managing psychosocial hazards.

The criterion related to risk management processes and psychosocial hazards in this guide are from:

[Model Code of Practice: Managing psychosocial hazards at work | Safe Work Australia](#) (July 2022)

Note that the list of psychosocial hazards contained in the Code of Practice is not a definitive or prescriptive list. Organisations may identify and assess risk from hazards particular to their organisation, or may identify that not every hazard on the list is relevant to their workplace.

Reference also made to:

- [Workplace health and safety management system | Comcare](#)
- [Work Health and Safety Act \(2011\)\(cth\) and regulations](#)
- [\(Approved\) Code of Practice: How to manage work health and safety risks | Safe Work Australia](#)
- [\(Approved\) Code of Practice: Work health and safety consultation, cooperation, and coordination | Safe Work Australia](#)
- [Work Health and Safety Amendment \(Managing Psychosocial Risk and Other Measures\) Regulations 2022 \(legislation.gov.au\) \(Div 11, WHS Regulations \(Cth\)\)](#)
- [\(Approved\) Code of Practice: Managing the work environment and facilities | Safe Work Australia](#)
- [\(Approved\) Code of Practice: Safe design of structures | Safe Work Australia](#)
- [Workplace sexual harassment | Comcare](#)
- [Your mental health responsibilities at work | Comcare](#)
- [Psychosocial hazards | Comcare](#)
- [PCBU Duties | Safe Work Australia](#)
- [WHS duties | Safe Work Australia](#)
- [Good work design | Comcare](#)
- [Principles of Good Work Design | Safe Work Australia](#)
- [Guide for preventing and responding to workplace bullying | Safe Work Australia](#)
- [People at Work](#)
- [ISO 45003:2021, Occupational health and safety management — Psychological health and safety at work — Guidelines for managing psychosocial risks](#)
- [O'Neill, S & Wolfe, K, Measuring and reporting on work health & safety, Canberra, Safe Work Australia, 2017](#)
- [Good Practice Indicators Framework for Preventing and Responding to Sexual Harassment \(2022, Respect at Work Council\)](#)

WHS Management System Criteria

1. WHS Management System and Psychosocial Risk

The management of psychosocial hazards and risks is embedded in the PCBU's overarching WHS Management System. The WHS Management system demonstrates the PCBU's ability to consider and manage psychosocial risk in the workplace.

The organization should ensure that its WHS Management System remains appropriate, effective, and relevant to its operations and activities with respect to its management of psychosocial risk.

Comcare inspectors will be seeking to understand how psychosocial hazards are captured within the WHS Management System. As well as assessing the system, consideration will be given to the safety culture and PCBU commitment to managing psychosocial hazards, which is important to determining the maturity of PCBUs in managing psychosocial hazards.

For further guidance, refer to: [Model Code of Practice: Managing psychosocial hazards at work | Safe Work Australia](#) and [ISO 45003:2021, Occupational health and safety management — Psychological health and safety at work — Guidelines for managing psychosocial risks](#).

2. Objectives and Targets

It is important that all measurable health and safety objectives and targets relating to psychosocial risks are documented and senior management have appropriate processes for receiving, considering, and responding to these objectives and targets.

Comcare inspectors will be asking questions about whether clear objectives and targets around managing psychosocial hazards exist as this is important to determining the maturity of PCBUs in managing psychosocial hazards.

Refer to: [O'Neill, S & Wolfe, K, Measuring and reporting on work health & safety, Canberra, Safe Work Australia, 2017](#).

3. WHS Duties

It is crucial that senior management and others are aware of their legal obligations for health and safety in the relevant jurisdiction and understand how to go about meeting those obligations to manage psychosocial hazards and risk.

Ensuring that all organisational stakeholders understand their duties under the WHS laws, the risk management process these require, the business case for effectively managing psychosocial hazards, and the roles of various organisational leaders (e.g., senior leaders, line managers, human resources and WHS managers) is part of this process.

Leaders, through their governance arrangements and resourcing decisions, actively shape the organisation and the way work is undertaken. The decisions made, directly and indirectly, impact on organisation's ability to effectively control psychosocial risks.

Comcare inspectors will be asking how the PCBU demonstrates that WHS duties, including of officers, have been met in relation to management of psychosocial hazards.

For further guidance, refer to [PCBU Duties | Safe Work Australia](#).

4. Risk Management

To meet their duties in ensuring health and safety, PCBUs must eliminate or minimise psychosocial risks as far as is reasonably practicable.

Risk management requires planning and is an ongoing process. However, considering risks early can prevent costly changes later and will allow for more effective control measures to be used, resulting in less harm to workers.

Comcare inspectors will be looking for documented methodologies used to eliminate or reduce psychosocial risks, through hazard identification, risk assessment and development of risk control measures in accordance with the legislative requirements including through consultation; and how controls are determined, implemented, maintained and reviewed. Examples of questions that will be asked are:

- *Is hazard identification/risk assessment conducted using validated tools such as People at Work?*
- *Does the process identify groups or types of work that place workers at higher risk?*
- *Does the risk assessment process consider duration, frequency and severity of exposure and the cumulative effects of exposure; and does it consider how hazards may interact and combine?*
- *Are controls matched to risk assessment findings and considered in terms of job/work design, the physical work environment, safe work systems and procedures, and the worker?*
- *Does the process include reasonably practicable avenues to accommodate individual worker needs to prevent psychological harm, (where the worker has disclosed those needs, or the PCBU is aware)?*
- *Where mental health promotion or support programs are included have they been considered in terms of their relative contribution to the risk control strategy (i.e., are they included in addition to, and not as an alternative to, work design and systems of work controls).*

(and see criteria 6-9 below and specific psychosocial criteria below for further information)

See WHS Act/Regulations:

WHS Act section 19 - Primary duty of care

WHS Regulations Division 11 – Managing psychosocial risks

WHS Regulations Part 3.1 - Managing risks to health and safety

For further guidance, refer to [Work Health and Safety Amendment \(Managing Psychosocial Risk and Other Measures\) Regulations 2022 \(legislation.gov.au\)](#) (Div 11, WHS Regulations (Cth)); [Model Code of Practice: How to manage work health and safety risks | Safe Work Australia](#); and [People at Work](#)

5. Consultation, Communication and Coordination

At each step of the risk management process PCBUs should consult workers who are, or are likely to be, directly affected by a work health and safety matter and any HSR(s). Consultation on changes that may affect work health and safety should occur as early as possible.

For example, on proposed changes affecting psychosocial hazards and risk such as:

- new policies, procedures, and systems of work
- organisational restructures, changes to staffing levels, new reporting arrangements and work locations
- changes to tasks, workload, duties and working arrangements, including rosters
- innovative technology, plant, equipment, substances, structures, and production processes
- the redesign of existing workplaces, or
- changes to the way information, training, instruction, and supervision are provided.

It is also important that these consultations, communication, and coordination processes are documented to demonstrate how they are being implemented.

Comcare inspectors will be seeking documented consultative, communication and coordination processes in relation to management of psychosocial hazards.

See WHS Act:

WHS Act section 47 - Duty to consult workers

WHS Act section 48 - Nature of consultation

WHS Act section 49 - When consultation is required

WHS Act section 16 - More than one person can have a duty

WHS Act section 46 - Duty to consult with other duty holders

For further guidance, refer to [Model Code of Practice: Work health and safety consultation, cooperation and coordination](#) | [Safe Work Australia](#).

6. (Risk Management) Good Work Design

Good work design, or safety in design, considers hazards and risks as early as possible in the planning and design process. It aims to eliminate or minimise the possibility of workplace injury or illness throughout the life of the product or process. There are 10 principles of good work design that can be applied to support better work health and safety outcomes as well as business productivity. Making sure that work, work processes and systems are designed to reduce the risk to workers is an important part of a [work health and safety management system](#).

Comcare inspectors will be seeking to understand how good work design is part of the psychosocial safety management system.

For further guidance, refer to [Good work design](#) | [Comcare](#) and [Principles of Good Work Design](#) | [Safe Work Australia](#).

7. (Risk Management) Mental Health Wellness Support and Promotional Programs

Mental health support and promotional programs that are aligned to identified hazards and risks are more likely to be effective and of value. It is important to have a culture where workers feel psychologically safe and are not stigmatised for speaking up about psychosocial concerns or mental health issues.

Comcare inspectors will be asking questions about mental health support, prevention and promotional programs, and how these are linked to identified psychosocial risks as these are important indicators of organisational maturity and a healthy workplace culture.

For further guidance, visit the pages at [People at Work](#) and [Your mental health responsibilities at work](#) | [Comcare](#).

8. (Risk Management) Early Intervention and Return to Work

While prevention is most effective in managing risk, early intervention, and RTW programs are an important part of a systematic approach to managing psychosocial hazards and risk. These programs are more effective when they are aligned to identified hazards and risks that are unique in each workplace, and where workers are protected from risks (e.g. of secondary psychological harm) in a supportive RTW program.

It is important to have a culture where workers feel psychologically safe and are not stigmatised for speaking up about psychosocial concerns or mental health issues.

Comcare inspectors will be asking questions about early intervention and supportive return to work practices; and how these are linked to identified psychosocial risks as these are important indicators of organisational maturity and a healthy workplace culture.

For further guidance, visit the pages at [People at Work](#) and [Your mental health responsibilities at work | Comcare](#).

9. (Risk Management) Training, instruction, and supervision

The WHS Act and regulations impose a duty on PCBU's to implement training, instruction, and supervision. To fulfil that obligation, PCBU's should focus on identifying psychosocial hazards and risks, training and instruction for managers and workers on their roles when exposed to psychosocial risk (e.g., risk management and reporting processes) and supervision practices that allow for same.

Comcare inspectors will be seeking documented policies and procedures concerning training, instruction, and supervision to assist in managing psychosocial risks in the workplace.

For further guidance, refer to [WHS duties | Safe Work Australia](#).

10. Investigations

Psychosocial risk related incidents including those which are notified to authorities should be investigated. This is to determine the contributing factors so that similar occurrences can be prevented. Incident investigations should focus on corrective actions, not the allocation of blame. The nature of the investigation should be proportionate to the risk. A formal investigation may not always be the most effective option.

Investigators should be impartial and have the requisite skills.

Comcare inspectors will be looking for policies, procedures (incorporating appropriate methodologies and necessary resources), for determining the appropriate nature of investigation, and then investigating and implementing corrective action for incidents that relate to psychosocial matters.

For further guidance, refer to: [Model Code of Practice: Managing psychosocial hazards at work | Safe Work Australia](#) (p31-32).

Specific Psychosocial Risk Criteria

The type and nature of psychosocial hazards present in each agency will be considered by Inspectors when assessing each of the criteria above. The Psychosocial hazards present in each agency may be considered in isolation and/or combination by Inspectors when determining how psychosocial risk is being managed.

11. Job Demands

The PCBU considers and demonstrates how they manage any psychosocial risk from job demands.

High job demands can include time pressure, role overload or sustained or intense levels of physical, cognitive, or emotional effort which are unreasonable or chronically exceed workers' skills, or sustained low levels of physical, mental, or emotional effort. A job can include periods of high and low job demands.

Comcare inspectors will be asking:

- *How does the PCBU manage role overload?*
- *What is the process for managing work hours (e.g., shift work, extended hours, irregular hours)?*

As well as other questions about controlling psychosocial risks associated with job demands.

For further guidance, refer to: [Model Code of Practice: Managing psychosocial hazards at work | Safe Work Australia](#) (p33 - 35), [Model Code of Practice: Managing the work environment and facilities | Safe Work Australia](#) and [Model Code of Practice: Safe design of structures | Safe Work Australia](#).

12. Job Control

The PCBU considers and demonstrates how they manage the impacts of job control on psychosocial wellbeing.

Low job control can include having little control or say over the work or aspects of the work including how or when the job is done.

Comcare inspectors will be asking:

- *How does the PCBU ensure staff are able to adapt and influence how they do their work?*
- *How does the PCBU ensure workers have the appropriate level of autonomy to complete tasks required of their role?*

As well as other questions about controlling psychosocial risks associated with job control.

For further guidance, refer to [Model Code of Practice: Managing psychosocial hazards at work | Safe Work Australia](#) (p35 - 37).

13. Support

The PCBU can demonstrate how their organisation supports staff in completing their work.

Poor support can include tasks or jobs where workers have inadequate practical assistance and emotional support from managers and colleagues, or inadequate training, tools, and resources for a task.

Comcare inspectors will be asking:

- *How does the PCBU ensure staff have the necessary tools, systems, equipment, and resources to effectively do their job?*

- *How does the PCBU ensure that staff have access to supervisors/leaders to assist with decision making or for providing support?*
- *How does the PCBU consider and manage the impacts of psychosocial risks during staff performance appraisals or providing feedback?*

As well as other questions about controlling psychosocial risks associated with support.

For further guidance, refer to [Model Code of Practice: Managing psychosocial hazards at work | Safe Work Australia](#) (p37 - 39).

14. Role Clarity

The PCBU considers the adverse impacts of role clarity on psychosocial wellbeing and ensures that staff have clarity of their role, responsibilities, and work priorities.

Poor role clarity can include unclear, inconsistent, or frequently changing roles, responsibilities, or expectations; and/or a lack of important job-related information.

Comcare inspectors will be asking:

- *How does the PCBU ensure staff have clarity of their role, responsibilities, and work priorities?*

As well as other questions about controlling psychosocial risks associated with role clarity.

For further guidance, refer to [Model Code of Practice: Managing psychosocial hazards at work | Safe Work Australia](#) (p39 - 40).

15. Change Management

The PCBU considers and can demonstrate how it manages the impacts of organisational change on psychological wellbeing.

Organisational change that is poorly planned, communicated, supported, or managed can result in psychological harm.

Comcare inspectors will be asking:

- *How does the PCBU manage psychosocial risks during periods of change in the workplace?*
- *Can the PCBU describe their process for end-to-end change management?*
- *How does the PCBU ensure effective consultation with staff on changes in the workplace?*
- *How does the PCBU support staff through the change process and transition period?*

As well as other questions about controlling psychosocial risks associated with change management.

For further guidance, refer to [Model Code of Practice: Managing psychosocial hazards at work | Safe Work Australia](#) July 2022 (p40 – 42)

For Comcare resources on organisational change management, including a self-assessment tool, see [Psychosocial hazards | Comcare](#).

16. Reward and Recognition

The PCBU considers and demonstrates how they manage the reward and recognition processes in their organisation.

Poor reward and recognition can include jobs where there is an imbalance between workers' effort and recognition or rewards, both formally and informally; or an elevated level of unconstructive negative feedback from managers or customers; low skills development opportunities or underused skills.

Comcare inspectors will be asking:

- *How does the PCBU ensure there is an adequate, valued and effective staff reward and recognition program (including both formal and informal recognition)?*
- *How does the PCBU provide feedback, acknowledgment, or recognition to staff (teams and individuals) for their valued contributions and outstanding achievements?*

As well as other questions about controlling psychosocial risks associated with reward and recognition.

For further guidance, refer to [Model Code of Practice: Managing psychosocial hazards at work | Safe Work Australia](#) (p42 - 43).

17. Organisational Justice

The PCBU considers and demonstrates that decision-making policies and procedures are fair, unbiased, and applied consistently.

Poor organisational justice involves a lack of procedural justice (fair processes to reach decisions), informational fairness (keeping people informed), or interpersonal fairness (treating people with dignity and respect).

Comcare inspectors will be asking:

- *How does the PCBU ensure decision-making policies and procedures, including for grievance matters, disciplinary actions and career development/promotion are fair, unbiased, and applied consistently?*
- *How does the PCBU manage and maintain workers' privacy and keep confidential information secure?*
- *How does the organisation (PCBU) ensure that workers are protected from discrimination based on their age, gender, race, cultural background, religious beliefs, and sexuality?*
- *How does the PCBU ensure the reasonable needs of staff are recognised, and accommodated?*

As well as other questions about controlling psychosocial risks associated with organisational justice.

For further guidance, refer to [Model Code of Practice: Managing psychosocial hazards at work | Safe Work Australia](#) (p43 - 44).

18. Traumatic Events or Material

The PCBU considers and manages the psychosocial risks to staff who are exposed to, witness or investigate abuse, neglect, serious incidents, serious injuries, or fatalities.

This hazard includes vicarious exposure and cumulative trauma and can be present in roles that involve witnessing, investigating, or being exposed to potentially traumatic events or material.

Comcare inspectors will be asking:

- *How does the PCBU manage the psychosocial risks to staff who are exposed, witness, or investigate abuse, neglect, serious incidents, serious injuries, or fatalities?*

- *How does the PCBU manage the psychosocial risks to staff who support victims of traumatic events?*
- *How does the PCBU manage the psychosocial risks to staff exposed to objectionable material?*

As well as other questions about controlling psychosocial risks associated with traumatic events or material.

For further guidance, refer to [Model Code of Practice: Managing psychosocial hazards at work | Safe Work Australia](#) (p44 - 46).

19. Remote or isolated work

The PCBU demonstrates the ability to manage the impacts of remote or isolated work on staff psychological wellbeing.

Remote or isolated work is work that is isolated from the assistance of other persons because of the location, time or nature of the work or working in environments where there are long travel times, poor access to resources, or communications are limited and difficult.

Comcare inspectors will be asking:

- *How does the organisation (PCBU) manage the psychosocial risks to staff working in remote areas or in isolation?*
- *How does the PCBU manage the psychosocial risks to staff working where there is limited access to reliable communication and technology?*
- *How does the PCBU manage the psychosocial risks to staff working where there are difficulties, or lengthy delays accessing help in an emergency?*

As well as other questions about controlling psychosocial risks associated with remote or isolated work.

For more information on how the risks associated with remote or isolated work can be controlled, refer to [Model Code of Practice: Managing the work environment and facilities | Safe Work Australia](#).

20. Physical Environments

The PCBU considers and demonstrates the ability to manage any psychosocial risk associated with the physical environment.

The exposure to unpleasant, or hazardous working environments and conditions can result in psychological harm.

Comcare inspectors will be asking:

- *How does the PCBU manage the risk of psychological harm associated with hazardous equipment and extreme/dangerous tasks?*
- *How does the PCBU manage psychosocial risks for excessive noise levels, extreme temperatures and climates??*

As well as other questions about controlling psychosocial risks associated with physical environments.

For further guidance refer to [Model Code of Practice: Managing psychosocial hazards at work | Safe Work Australia](#) (p47).

21. Violence and Aggression

The PCBU considers, documents, and implements controls to mitigate the impacts of violence and aggression in the workplace.

Workers can be exposed to aggressive behaviour such as yelling and intimidation, as well as physical violence or threats of violence from other workers (including workers of other businesses), customers, patients, or clients.

Comcare inspectors will be asking:

- *How does the PCBU manage psychosocial risks for violence and aggression in the workplace?*
- *How does the PCBU provide care and support for staff who have been exposed to violence and aggression?*

As well as other questions about controlling psychosocial risks associated with violence and aggression.

To learn more about harmful behaviours, see [Model Code of Practice: Managing psychosocial hazards at work | Safe Work Australia](#) July 2022 (p48 – 54).

22. Bullying

The PCBU considers and manages psychosocial risks associated with bullying in the workplace.

Bullying is defined as repeated unreasonable behaviour directed towards a worker or group of workers that creates a risk to health and safety. This includes bullying by workers, clients, patients, visitors, or others.

Things that can increase the likelihood of bullying include the presence of other psychosocial hazards, leadership and management styles, and systems of work.

Comcare inspectors will be asking:

- *How does the PCBU manage psychosocial risks for bullying and victimisation in the workplace?*
- *How are bullying risks integrated in the PCBU's WHSMS and systems of work?*
- *How does the PCBU ensure managers and staff are suitably trained on the psychosocial risks related to bullying, their responsibilities and their role in eliminating bullying in the workplace?*

As well as other questions about controlling psychosocial risks associated with bullying.

For further guidance, refer to [Model Code of Practice: Managing psychosocial hazards at work | Safe Work Australia](#) (p48 - 54) and [Guide for preventing and responding to workplace bullying | Safe Work Australia](#).

23. Harassment including Sexual Harassment

The PCBU considers, documents, and implements controls to mitigate the impacts of harassment in the workplace.

While anyone can experience harassment there are certain groups who are more likely to experience it. Individual workers may be at greater risk because of their age, gender, sexuality, migration status, disability, and literacy.

The things that can increase the likelihood of harassment include, but are not limited to, acceptance of inappropriate behaviour, power imbalances along gender lines, strict hierarchical structure, impacts of alcohol in work settings and workers in restrictive places such as vehicles.

Comcare inspectors will be asking:

- *How does the PCBU manage psychosocial risks for harassment, including sexual or gender-based harassment in the workplace?*

- *How does the PCBU act to eliminate sexual harassment?*
- *How does the PCBU manage inappropriate behaviour?*
- *How does the PCBU manage the risks of harassment where staff are isolated, or in restrictive spaces?*

As well as other questions about controlling psychosocial risks associated with harassment.

For further guidance, refer to [Model Code of Practice: Managing psychosocial hazards at work | Safe Work Australia](#) (p48-54) and [Workplace sexual harassment | Comcare](#). The [Good Practice Indicators Framework for Preventing and Responding to Sexual Harassment \(2022, Respect at Work Council\)](#) is another valuable resource.

24. Relationships and interactions

The PCBU considers and manages psychosocial risks related to workplace conflict or poor workplace interactions.

Poor workplace relationships or interpersonal conflict can have significant impact on health and wellbeing. These can be manifested in frequent disagreements between colleagues, inappropriate exclusion of a worker from work-related activities, disparaging, or rude comments, either from one person or multiple people, such as from clients or customers. A worker can be both the subject and the source of this behaviour.

Comcare inspectors will be asking:

- *Does the PCBU have policies or procedures to report and address unacceptable behaviour or conflict in the workplace?*
- *Does the PCBU provide training for managers and staff to foster a positive work culture?*
- *How does the PCBU communicate relevant information to staff about workplace behaviours?*
- *How do the PCBU's leaders demonstrate they respond to all complaints and suggestions seriously?*

As well as other questions about controlling psychosocial risks associated with relationships and interactions.

For further guidance, refer to [Model Code of Practice: Managing psychosocial hazards at work | Safe Work Australia](#) (p48 - 54).

Worker Engagement

The Worker Engagement component of the Psychosocial Proactive Inspection Program is intended to provide a snapshot of system awareness and effectiveness.

Comcare inspectors will be seeking to ask questions of workers either face-to-face or through the use of an online survey. Handouts for workers have been developed to ensure consistent understanding of psychosocial hazards contained in the Model Code.

Face-to-face discussions with workers are expected to be brief, but will involve discussions across business areas and work sites. Implementation of this component of the program will be negotiated with PCBU.

The Worker Engagement Tool developed for the program allows for capture of answers in a consistent and effective manner, and covers important privacy considerations – the engagement with workers is anonymous.

Comcare inspectors will be seeking to identify awareness of systems in place as well as asking questions about:

- *Understanding of the worker's role in identifying and managing psychosocial risks*
- *Consultation*
- *Training, information and supervision*

Information from workers will be evaluated and referenced (in overall terms) as part of the inspector report to the PCBU.



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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00029980–VR01
PCBU DETAILS	Name: Commonwealth of Australia in the right of the Australian Federal Police ABN: 17864931143 ACN:
REPORT ISSUED TO	Name: s 47F Position: National WHS Advisor Injury Prevention – SHIELD People Command Cc:

BACKGROUND

1. On 15 March 2023, Comcare commenced an inspection under MC00029980 with the Australian Federal Police (**AFP**) as part of the Proactive Psychosocial Inspection Program Pilot (**PPIP**). The purpose was to proactively assess psychosocial safety compliance within AFP's WHS management system and to assess compliance with the *Work Health and Safety Act 2011* (Cth) (**WHS Act**) and *Work Health and Safety Regulations 2011* (Cth) (**WHS Regulations**).
2. On 31 August 2023, Comcare issued an Inspector Report for MC00029980 (**the Report**), noting remedial actions (in the form of compliance recommendations) to be undertaken and advising a Verification Inspection would be conducted. A summary of the compliance recommendations is outlined below:

s 47E(d)



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3. On 17 April 2024 Comcare commenced a Verification Inspection to monitor AFP's progress against the non-compliance identified in Inspector Report MC00029980 (the Report) and to assess compliance with the WHS Act and WHS Regulations.

OUTCOMES

4. Based on the information reviewed during the Verification Inspection, I identified continued non-compliance with section 19 of the WHS Act and section 55c of the WHS Regulations.
5. Whilst progress has been observed, the AFP has not taken adequate action to address the remedial actions s 47E(d)
6. With respect to continued non-compliance, the AFP has agreed to implement the following remedial actions:

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Information and advice

9. In accordance with section 17 of the WHS Act, the AFP must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable.
10. In accordance with section 19 of the WHS Act, the AFP must ensure, so far as is reasonably practicable, the health and safety of workers.
11. AFP must manage risks to health and safety by applying a risk management approach as set out in Part 3.1 of the WHS Regulations
12. AFP should have regard to the Code of Practice: How to Manage Work Health and Safety Risks, when managing risks to health and safety. AFP must monitor and maintain control measures, particularly any interim controls, to ensure that they remain in use and effective.
13. AFP must have regard to Part 3.2, Division 11, of the WHS Regulations when implementing control measures to manage psychosocial risks.
14. In relation to this matter, AFP should consider the following:



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- a. Work Health and Safety (Managing Psychosocial [Hazards at Work](#)) [Code of Practice 2024](#)
 - b. [Psychosocial hazards | Comcare](#)
 - c. [Job demands | Comcare](#)
 - d. [Bullying | Comcare](#)
 - e. [Harassment including sexual harassment | Comcare](#)
 - f. [Inadequate reward and recognition | Comcare](#)
 - g. [Poor organisational change management | Comcare](#)
15. I remind the AFP of the requirement for officers to exercise due diligence under section 27 of the WHS Act with regards to their work health and safety duties and obligations.
 16. Learnings regarding control measures as a result of the inspection should be applied across the organisation where applicable.
 17. The Verification Inspection is now closed, however, should any risks of a similar nature arise anywhere within the organisation in the future, Comcare will seek to confirm that the AFP has ensured the control measures are effective and are maintained so that they remain effective. Comcare will conduct a Verification Inspection within six (6) months to verify implementation of remedial actions to address the non-compliance as detailed in paragraphs 4 and 5.
 18. Comcare draws the PCBU's attention to their duties to consult, so far as is reasonably practicable, with workers and HSRs on work health and safety matters. Comcare encourages PCBUs to share inspector reports, or to provide access to relevant content or information regarding hazards and associated risks, with their workers, including HSRs. PCBUs must, so far as is reasonably practicable, 'consult with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to work health or safety' (s 47).
 19. Compliance with this duty may be assisted by sharing health and safety information from inspector reports with relevant workers and/or their representatives. PCBUs should also note that HSRs are empowered to receive information relevant to their work groups, and that as a function of their role, may request access to inspector reports, or relevant information within them. Comcare encourages PCBUs to have regard to their consultation duties, and to their obligations to HSRs under the WHS Act when responding to such requests (see ss 49, 70(1)(a), 70(1)(c), 71 and 79(3)).



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COMPLIANCE ASSESSMENT

20. Senior Inspector s 22 and Assistant Director, Psychosocial Regulation s 22, attended the AFP head office at the Edmund Barton Building, Barton, Canberra on 6 May 2024, and the AFP Forensics complex at s 47E(d), Canberra on 7 May 2024. At these two (2) locations, they met with AFP representatives and Health and Safety Representatives (HSRs) as part of the Verification Inspection. The site visits were conducted as announced inspections. They entered under powers s163 of the Work Health and Safety Act 2011 (WHS Act) and Senior Inspector s 22 showed her inspector identification at all three (3) inspections.

21. This compliance assessment has been made through:

- my viewing of documents and information provided by the AFP post-inspection
- follow-up discussions with AFP representatives on 15 July 2024 and 27 September 2024
- discussions with two (2) HSRs on 15 October 2024 and
- review of inspection notes provided by Senior Inspector s 22 and Assistant Director s 22 and discussions with same.

22. The purpose of the site visits was to discuss AFP's actions to remedy the identified non-compliance, and to meet with HSRs to gain insight in AFP's actions post inspection.

23. Following the site visits, documentation was voluntarily provided by the AFP. I note that most information and documentation related to recommendations of continuous improvement (recommendations 1 – 10 and 14-15). I commend the AFP for taking on board all recommendations in the Report, however, for the purposes of this verification inspection, only documents and information relating to the findings of non-compliance will be addressed.

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s 47E(d)

Overall finding

46. Based on this assessment I identified non-compliance with section 19 of the WHS Act and section 55c of the WHS Regulations with regards to the scope of the inspection and the Verification Inspection is now closed.

REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s
	Email	s 22 @comcare.gov.au
	Phone	s 22
	Date	22.11.2024
	Signature	s 22



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- the Safety, Rehabilitation and Compensation Commission
- a court or tribunal
- state or territory work health and safety regulatory agencies
- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
- any other person assisting Comcare in the performance of its functions or exercise of its powers, including contractors and consultants
- any other person where there is an obligation under law to do so (for example but not limited to, responding to the direction of a court to produce documentation).

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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00032135
PCBU DETAILS	Name: Australian Federal Police ABN: 17864931143 ACN:
REPORT ISSUED TO	Name: s 47F , Position: WHS Advisor Cc: s 47F , Team Leader Injury Prevention Operations s 47E(d) @afp.gov.au
BACKGROUND	
<ol style="list-style-type: none"> 1. On 25 August 2023 Australian Federal Police (AFP) submitted an Incident Notification NOT00032135 (IN) to Comcare which stated that: <ol style="list-style-type: none"> a. s 47F b. The incident occurred at a CPP office in Canberra, Australian Capital Territory. 2. The IN was submitted together with the AFP Incident Report #32283 (Incident Report) and a statement from the AFP worker (the IN documentation). 3. Comcare commenced an inspection in relation to this matter on 27 September 2023 to monitor and enforce compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act) and the <i>Work Health and Safety Regulations 2011</i> (Cth) (WHS Regulations), with the following scope: <ol style="list-style-type: none"> a. Determine the circumstances and causal factor/s of the incident. b. Determine control measures pre and post incident. c. Determine compliance/non-compliance with the WHS Act. d. Determine appropriate regulatory action. 	
OUTCOMES	
<ol style="list-style-type: none"> 4. I formed a reasonable belief that AFP did not comply with its duties under the WHS Act/Regulations. 5. AFP has contravened the following: <ol style="list-style-type: none"> a. Section 19(3)(c) of the WHS Act regarding the provision and maintenance of safe systems of work to AFP Supervisors assigned responsibilities to manage/administer AFP Hazard Reporting System (Hazard RS) and Incident Reporting System (Incident RS). Refer to the reasons set out in paragraphs #30, #31 and #32. b. Section 19(3)(f) of the WHS Act/Regulation 39 of the WHS Regulations in relation to provision of information, training, instruction, or supervision to AFP Supervisors tasked with managing/administering AFP Hazard/Incident RS. Refer to the reasons set out in paragraph #29. 	



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Remedial actions

6. AFP is in the process of implementing the necessary control measures, as outlined in paragraphs #26.c., to #26.k., to remedy the contraventions identified in paragraphs #5.a. and #5.b.
7. In addition, the following actions are to be taken to remedy the contraventions, as discussed with AFP:
 - a. Review and revise Hazard RS/Incident RS to ensure compliance with:
 - i. Part 3.1 of the WHS Regulations and the approved 'Code of Practice: How to Manage Work Health and Safety Risks' (**COP**).
 - ii. Sections 14, 17, 19, 28 and 48 of the WHS Act.
 - b. In addition to AFP developing and implementing control measures outlined in paragraphs #26.g. and #26.j., AFP should ensure information, training, instruction for AFP Supervisors:
 - i. Is aligned with responsibilities/duties assigned to them in relevant AFP procedures/guidance material.
 - ii. Includes managing/administering/resolving Workplace Hazard Reports (**WHR**), Incident Reports (**IR**) including coordination/facilitating/assigning the conduct of investigations triggered by WHR and IR in accordance with relevant AFP procedures/guidance material.
 - iii. Is designed and implemented in consideration with COP, specifically information outlined in:
 - 4.2 - How to develop and implement control options, regarding training, instruction and information and supervision; and
 - 4.3 - How to ensure that controls remain effective, regarding Up-to-date training and competency.
8. While control measures should be implemented as soon as possible, Comcare will conduct a Verification Inspection within 12 months to verify:
 - a. The progress with implementation of the control measures, particularly:
 - i. The conduct of AFP Professional Standards (**PRS**) investigation (refer to paragraphs #24. and #26.b.);
 - ii. Review/revision of Hazard RS/Incident RS (refer to paragraphs #26.j., #30, #31 and #32.).
 - iii. Training for AFP supervisors (refer to paragraphs #26.g. and #29.).
 - b. Compliance with the WHS Act/WHS Regulations, particularly the elements outlined in the paragraph #7.
 - c. The conduct of a WHS investigation into the allegations outlined by the AFP worker in the Incident Report.



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Information and advice

9. AFP must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: section 17 of the WHS Act.
10. AFP must monitor and maintain control measures, to ensure that they remain in use and effective.
11. With regard to this matter AFP should consider:
 - a. Safe Work Australia 'Model Code of Practice: Managing psychosocial hazards at work' July 2022.
 - b. AS/NZS ISO 45001:2018 (not referred to in the WHS Regulations), specifically 7.2 and A.7.2 regarding competence.
 - c. Inspector's recommendations outlined in paragraphs #18.a., #19.d., #20.b., #21.b., #23.b., #27.d.iv. and #27.d.vi.
12. Additionally, AFP may wish to consider Fair Work Legislation Amendment (Closing Loopholes No. 2) Act 2024, which introduces a high-level right to disconnect for all national system employees into Part 2-9 of the Fair Work Act 2009 (refer to paragraph #23.b.).
13. Learnings regarding control measures as a result of the inspection should be applied across the organisation where applicable.
14. The inspection is now closed however should an incident of a similar nature occur in the future, Comcare will seek to confirm that AFP has ensured the control measures are effective and are maintained so that they remain effective.

COMPLIANCE ASSESSMENT

15. I obtained sufficient information through the use of statutory powers to assess compliance and I determined a site visit was not necessary to conduct further inquiries or interview witnesses.

s 47E(d)



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34. Based on the above assessment I formed my reasonable belief that AFP is not compliant with some duties under the WHS Act, as outlined in paragraph #5.

35. Comcare will conduct a Verification Inspection within 12 months as outlined in paragraph #8.

36. The inspection is now closed.

REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s
	Email	s 22 @comcare.gov.au
	Phone	s 22
	Date	02/05/2024
	Signature	s 22



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- a court or tribunal
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- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00032195
PCBU DETAILS	Name: Australian Federal Police ABN: 17864931143 ACN:
REPORT ISSUED TO	Name: s 22 Position: WHS Advisor Cc: s 22 , Team Leader Injury Prevention Operations s 47E(d) @afp.gov.au /
BACKGROUND	
<p>1. On 31 August 2023 Comcare received information regarding an incident that occurred at a private residence on s 47F</p> <p style="text-align: right;">s 47F</p> <p>2. Comcare commenced an inspection in relation to this matter to monitor and enforce compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act) and the <i>Work Health and Safety Regulations 2011</i> (Cth) (WHS Regulations), and with the following scope:</p> <ol style="list-style-type: none"> Determine the circumstances and causal factor/s of the incident. Determine control measures pre and post incident. Determine compliance/non-compliance with the WHS Act. Determine appropriate regulatory action. <p>3. The risk to health and safety identified during the inspection was a risk to workers health and safety arising from exposure to potentially distressing/traumatic events/materials (the risk).</p>	
OUTCOMES	
<p>4. I formed a reasonable belief that, in relation to s 47F employment in various s 47F , AFP did not comply with its duties under the WHS Act - Refer to the reasons set out in paragraphs #13., #18., #21. and #26. Specifically, AFP contravened the following:</p> <ol style="list-style-type: none"> Section 19 (1) of the WHS Act. Subsection 19 (3) (a). 	



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- c. Subsection 19 (3) (c) of the WHS Act.

Remedial actions

5. AFP informed me of the control measures it is currently implementing in relation to the identified risk (refer to paragraph #35).
6. While implementing control measures, I would remind AFP of the following WHS obligations:
 - a. AFP must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act.
 - b. AFP must ensure compliance with:
 - i. Chapter 3, Part 3.2, Div 11 – Psychosocial Hazards of the WHS Regulations when managing risks to health and safety arising from the psychosocial hazards at their workplaces, including exposure to potentially distressing/traumatic events/materials.
 - ii. Chapter 3, Part 3.2, Regulation 39 – Provision of information, training, and instruction to workers regarding the nature of work undertaken, the associated risks and control measures implemented.
 - iii. Chapter 3, Part 3.1 of the WHS Regulations and the Code of Practice: How to Manage Work Health and Safety Risks when managing risks to health and safety.
 - c. AFP must monitor and maintain control measures, to ensure that they remain in use and are effective in accordance with Regulations 37 and 38 of the WHS Regulations.
7. While control measures should be implemented as soon as possible, Comcare will conduct a Verification Inspection within six to eight months to verify:
 - a. The progress with implementation of the control measures, particularly:
 - i. Team/role-based risk assessment (refer to paragraph #35. b.).
 - ii. Periodic Menal Health Review process for high-risk roles (refer to paragraph #35. c.).
 - iii. Psychosocial Risk assessment and Treatment Plan to identify High-risk Teams (refer to paragraph #35. d.).
 - b. Compliance with the WHS Act/WHS Regulations, particularly the elements outlined in the paragraph #6. above.



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Information and advice

8. In relation to this matter, AFP should consider the following:
 - a. Safe Work Australia '*Model Code of Practice: Managing psychosocial hazards at work*' July 2022.
9. Learnings regarding control measures as a result of the inspection should be applied across the organisation where applicable.
10. The inspection is now closed. However, should an incident of a similar nature occur, Comcare will seek to confirm that AFP has implemented and maintained effective control measures to guard against risks of the kind identified in this report.

COMPLIANCE ASSESSMENT

11. I obtained sufficient information through the use of statutory powers to assess compliance and I determined a site visit was not necessary to conduct further inquiries or interview witnesses.

s 47E(d)



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36. Based on the above assessment I formed my reasonable belief that AFP is not compliant with some duties under the WHS Act, as outlined in paragraph #4. Comcare will conduct a Verification Inspection within six to eight months as outlined in paragraph #7.

37. The inspection is now closed.

REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s
	Email	s 22 @comcare.gov.au
	Phone	s 22
	Date	5 April 2024
	Signature	s 22



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INSPECTOR REPORT

COMCARE REFERENCE	MC00013322-VR01	Report No.	1
PCBU DETAILS	Name Address ABN ACN	Australian Federal Police GPO Box 401, CANBERRA, ACT 17864931143	
REPORT ISSUED TO	Name Position	s 47F Australian Federal Police WHS Advisor NSW	
COPY OF REPORT GIVEN TO	Name Position	Not applicable Not applicable	
RELEVANT WORKPLACE/S OR WORKSITE	Name Address Date	Australian Federal Police Workplace s - Secure location not disclosed 25 September 2019	
INSPECTOR	Name	s 22	
OTHER PERSONS ATTENDING WITH INSPECTOR	Name Position	s 22 Senior Inspector	

PURPOSE

1. Between 17 and 20 September 2019, Comcare received ten (10) separate written notifications regarding Australian Federal Police (AFP) workers (the workers), and two children, potentially being exposed to lead dust at an undisclosed AFP workplace, s 47E(d) (the workplace). The exposures are alleged to have occurred between 12 and 16 September 2019.
2. On 20 September 2019, Comcare commenced an Inspection under MC13322 in relation to the incident.
3. On 30 October 2019, Comcare issued Inspector Report MC13322 with the following recommendations:
 - a. All workers within the workplace are provided with training and instruction on the hazards and risks associated with lead work;
 - b. The conditions at the workplace are monitored for the purposes of preventing illness or injury to workers arising from the conduct of lead work;
 - c. Implement controls for ensuring lead contamination is confined to the area that the lead work is being conducted at within the workplace;
 - d. Implement methods for cleaning lead work areas that do not create a risk to the health and safety of others in the immediate vicinity of the work area, and do not have the potential to spread the contamination of lead; and
 - e. Personal protective equipment (including clothing) that is likely contaminated with lead dust must be controlled in one of the following ways:

- Sealed in a container and disposed of at a site equipped to accept lead contaminated equipment; or
- Laundered at a facility equipped to launder lead contaminated clothing; or
- Sealed in container until it is re-used, or decontaminated, before it is removed from the lead process work area.

4. The Inspector report also advised that a verification inspection would be undertaken.
5. On 7 January 2020, Comcare commenced a Verification Inspection to monitor AFP's progress against the corrective actions identified in Inspector Report MC13322, and to assess compliance with the Work Health and Safety Act 2011 (WHS Act) and Work Health and Safety Regulations 2011 (Cth) (WHS Regulations).

OUTCOMES

6. Based upon the review of the information provided during the conduct of the Verification Inspection, I formed a reasonable belief that the Australian Federal Police (AFP), as the Person Conducting the Business or Undertaking (PCBU), complied with their duties under the WHS Act and WHS Regulations.
7. The inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the PCBU have exercised due diligence to ensure the application and ongoing effectiveness of these controls.

COMPLIANCE ASSESSMENT

Inspector Activity

8. Inspectors 22 and I attended the workplace through voluntary agreement with AFP on 3 March 2020. As part of this inspection we met with several representatives of AFP. We were also accompanied by a Health and Safety Representative (HSR).
9. During the inspection we observed the following whilst verifying corrective action/s have been implemented:
 - a. The area of the workplace where the lead work was conducted (the workshop) has been cleaned by a qualified cleaning company (Stematic).
 - b. A hand wash basin and soap dispenser has been installed in the workshop.
 - c. An additional washing machine has been installed where lead contaminated clothing can be laundered.
10. We interviewed an AFP worker who has been informed of the hazards and risks associated with lead works; this information was relayed to them by their Supervisor. Additionally, if they are to undertake work involving lead at the workplace, they will use the spray booth in the workshop. This spray booth is fitted with local exhaust ventilation (LEV).
11. On 24 March 2020, I was provided with the following documents by the AFP:
 - a. Completed AFP incident investigation report;

b. Example lead work risk assessment (completed 14 March 2020); and

c. Draft lead awareness training for APF workers.

12. The Investigation report outlines corrective actions taken by APF in response to the incident:

a. Learnings from incident have been relayed to other units/departments across the organisation (completed October 2019);

b. 'Working with Lead' advisory paper being developed;

c. Two work health and safety (WH&S) representatives have been appointed at workplace; and

d. Two internal reviews are in the process of being conducted across the organisation in relation to WHS legislation and protocols and WHS Signage.

13. A lead awareness training module has been developed. The module is in the process of being made into a training package to be delivered to APF workers who may be involved in lead work.

14. A 'Lead Fact Sheet' is being developed and will be disseminated to workers. The fact sheet details; Hazards and risks associated with lead, methods for controlling exposure and methods for cleaning lead work areas.

15. APF has an existing health monitoring process which includes monitoring for lead exposure.

Inspector Review

16. Whilst I am of the reasonable belief that APF has taken steps to address the recommendations included in inspector report MC13322. The following actions should also be taken by APF:

a. Lead contaminated clothing should be placed in a seal container when being transported between the lead work area and the dedicated workplace washing facility.

b. Engage a suitably qualified third party to assess the design and configuration of the washing machine used for laundering lead contaminated PPE for the purposes of determining if there are any risks associated with environmental discharge (e.g. wastewater) and cleaning (potential sources of cross contamination).

17. I also encourage APF to consider laundering lead contaminated clothing at an external facility equipped to launder lead contaminated clothing.

POWER EXERCISED (if any)

Section of Act	Nature of Inspector action/decision
None	Not exercised

COMPLIANCE STATUS OF PREVIOUSLY ISSUED NOTICES (if any)

Notice	Description	Status
--------	-------------	--------

REPORT	Inspector:	s 22	Phone:	s 22
ISSUED BY	Email:	s 22 @comcare.gov.au	Region:	NSW
INSPECTOR'S SIGNATURE	Signature:		Date:	

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NEED HELP?

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REVIEW OF DECISIONS

Where a Decision Maker Review is unsatisfactory, the recipient of the report should seek independent legal advice on review rights.

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INSPECTOR REPORT

COMCARE REFERENCE	MC00021650	Report No.	1
PCBU DETAILS	Name Address ABN	Australian Federal Police GPO Box 401, CANBERRA, ACT 17864931143	
REPORT ISSUED TO	Name Position	injuryprevention@afp.gov.au	
RELEVANT WORKPLACE/S OR WORKSITE	Name Address Date	Australian Federal Police 54 New Cascade Road, Norfolk Island NSW 2899 28 April 2021	
INSPECTOR	Name	s 22	
OTHER PERSONS ATTENDING WITH INSPECTOR	Name Position	s 22 Senior Inspector	

PURPOSE

- The purpose of this inspection was to engage with the Australian Federal Police (AFP) on Norfolk Island to review the effectiveness of safety controls and compliance with Work Health and Safety Act 2011 (WHS Act) and Work Health and Safety Regulations 2011 (Cth) (WHS Regulations).
- On 28 April 2021, a proactive inspection was conducted at the AFP station on Norfolk Island (the workplace).

OUTCOMES

- Based upon the review of the information made available in the conduct of the Inspection, I formed a reasonable belief AFP, as the Person Conducting a Business or Undertaking (PCBU), complied with their duties under the WHS Act/WHS Regulations with respect to the scope of this Inspection.

COMPLIANCE ASSESSMENT

- On 28 April 2021, Inspector s 22 and I attended the workplace located at s 47E(d) NSW 2899 and met with AFP Officers and AFP WHS Representative s 47F. The purpose of this meeting was to discuss any WHS issues and offer information and advice to AFP to assist them in complying with their obligations under the WHS Act. This meeting also presented an opportunity for Comcare to continue to build our understanding of the PCBU and the challenges faced by AFP workers on Norfolk Island.
- There are seven s 47E(d)

s 47E(d)

6. Inspectors were given a tour of the workplace, which recently underwent refurbishment. During this tour Inspectors observed:

a. s 47E(d)

b.

c.

d.

e.

f.

7. During the Inspection of the workplace workers also advised the following:

- a. The distance from mainland Australia and isolation of Norfolk Island can present challenges to workers to maintain family ties. However, it was mentioned the psychological / psychosocial support provided to workers by the PCBU is excellent, with welfare and psychological support team visits and mandatory wellness check every six (6) months. The PCBU were also advised to be proactive in offering support, including counselling and welfare officers for workers;
- b. The PCBU undertakes an onsite WHS audit every two (2) years, which s 47F was undertaking during our visit. Workers advised they have a good understanding of hazard reporting, notifiable incidents and site preservation with education and awareness provided by the PCBU, including during induction;
- c. Specialised trainers are bought to Norfolk Island when required, including for workers yearly operational safety training to obtain their firearms recertification;
- d. Due to cultural sensitivities, an exemption has been received so that the wearing of accoutrements on call outs can be assessed on a case by case basis given the 'optics' of bullet proof vests, guns etc can at times also inflame situations;

- e. There is a good working relationship with other commonwealth government departments on Norfolk Island;
- f. Data coverage has recently been added to workers phones enabling access to intelligence and resources whilst in the field. However, due in part to the terrain of Norfolk Island, intermittent phone and radio communications at times present an issue;
- g. Logistical challenges with sending and receiving equipment and supplies, including firearms for repairs, have been encountered due to the remoteness of the workplace and high associated costs. Additionally, there is no specific method of corona virus (COVID-19) related PPE disposal, which is currently disposed of in general waste;
- h. Asbestos removal work has occurred at the workplace and all asbestos containing material (ACM) is believed to have been removed, except for some ACM remaining in the eaves. Workers were unsure where/if an Asbestos Register was held at their workplace. It was also further advised talks are underway with the Department of Infrastructure, Telecommunications, Regional Development and Communications for further refurbishments and an extension to the workplace. However, it was advised the final decision has not yet been made;
- i. A purpose-built watercraft, built specifically for the Norfolk Island environment, including the requirement to be launched by crane, has been approved and ordered. It was acknowledged the receipt of this watercraft will present new challenges pertaining to training, storage, maintenance and movement of the watercraft while on land. Workers anticipate these challenges will be addressed before, or upon, the watercrafts arrival; and
- j. Workers roles and responsibilities whilst on Norfolk Island are more varied than when in mainland Australia such as taking on the duties normally carried out by Rangers and Maritime Search and Rescue Teams. In addition workers need an understanding of specific laws to Norfolk Island including Norfolk Island Criminal Code, Traffic and Liquor Acts as well as a lack of any maritime laws. As such, gaps in laws and legislation still exist and, when encountered, workers seek guidance from what other applicable laws, ie State or Commonwealth, may apply.

POWER EXERCISED (if any)

Section of Act	Nature of Inspector action/decision
None	Not exercised

COMPLIANCE STATUS OF PREVIOUSLY ISSUED NOTICES (if any)

Notice	Description	Status
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REPORT	Inspector:	s 22	Phone:	s 22
ISSUED BY	Email:	s 22 @comcare.gov.au	Region:	NSW
INSPECTOR'S SIGNATURE	Signature:	s 22	Date:	9/07/2021

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NEED HELP?

Contact the Inspector to discuss any aspect of this Inspector Report. The Inspector should be contacted if you wish to view photographs, documents or other evidence taken by the Inspector if they attended your workplace.

Comcare has a range of publications and fact sheets to help explain your responsibilities and provide guidance to make your workplace safer. The *Compliance and Enforcement Policy* provides guidance as to how Comcare approaches regulation. To access these, visit our website.

REVIEW OF DECISIONS

Where a Decision Maker Review is unsatisfactory, the recipient of the report should seek independent legal advice on review rights.

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- the Safety, Rehabilitation and Compensation Commission
- a court or tribunal
- state or territory work health and safety regulatory agencies
- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
- any other person assisting Comcare in the performance of its functions or exercise of its powers, including contractors and consultants
- any other person where there is an obligation under law to do so (for example but not limited to, responding to the direction of a court to produce documentation).

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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00026617
PCBU DETAILS	Name: Australian Federal Police ABN: 17864931143
REPORT ISSUED TO	Name: s 47E(d) @afp.gov.au
BACKGROUND	
<ol style="list-style-type: none"> On 6 May 2022 Comcare conducted a proactive inspection at the Australian Federal Police (AFP) Station located at s 47E(d) , 2899 (the workplace). The scope of the inspection was to monitor, review and discuss any work health and safety issues at the workplace and provide information and advice to assist compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act) and the <i>Work Health and Safety Regulations 2011</i> (Cth) (WHS Regulations). The inspection also presented an opportunity for Comcare to continue to build an understanding of the challenges faced by AFP workers on Norfolk Island. 	
OUTCOMES	
<ol style="list-style-type: none"> Based on the information made available in the conduct of the inspection, I formed a reasonable belief the AFP, as the person conducting the business or undertaking (PCBU) complied with their duties under the WHS Act/WHS Regulations with respect to the scope of the inspection and the inspection is now closed. <p>Information and advice</p> <ol style="list-style-type: none"> The PCBU must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. PCBUs should have regard to Part 3.1 of the WHS Regulations and the <i>Code of Practice: How to Manage Work Health and Safety Risks</i> when managing risks to health and safety. The PCBU must monitor and maintain control measures, particularly any interim controls, to ensure that they remain in use and effective. Learnings regarding control measures as a result of the inspection should be applied across the organisation where applicable. 	
COMPLIANCE ASSESSMENT	
<ol style="list-style-type: none"> On 6 May 2022, Senior Inspector s 22 and I attended the workplace in the conduct of the inspection and met with s 47F . The site visit was conducted as an announced inspection. 	



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8. The following was observed and discussed with s 47F during the inspection at the workplace.
 - a. s 47E(d)
 - b.
 - c.
 - d. Specialised trainers are brought to Norfolk Island when required, including for workers yearly operational safety training to obtain their s 47E(d).
Next recertification and training for workers occurring in August 2022.
 - e. Adequate and proactive psychosocial support in place for workers. Advised workers felt well supported by the PCBU. At the time of the inspection, welfare and psych services were due to arrive at the workplace in June 2022 and address any concerns raised by workers.
 - f. A purpose-built watercraft, built specifically for the Norfolk Island environment, including the requirement to be launched by crane is expected to arrive in November 2022. It was acknowledged the receipt of this watercraft will present new challenges pertaining to training, storage, maintenance, and movement of the watercraft while on land. These challenges will be addressed before, or upon, the watercrafts arrival.
 - g. At the time of the inspection the fire alarm and smoke detectors at the workplace tested three weeks ago and found to be in good working order.
 - h. CCTV operational and in good working order.
 - i. Emergency shower and eye wash observed to be in good working order.
 - j. Emergency lighting and backup generator inspected and tested monthly by electrician and is in good working order.
 - k. Hazardous chemicals at the workplace stored in accordance with AFP Policies and Procedures and WHS Regulations.



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- I. Identified radio communication issues remain with 'black spots' on island. These issues were being reviewed by ABF Radio Technician at time of inspection.

REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s
	Email	s 22 @comcare.gov.au
	Phone	s 22
	Date	19 August 2022
	Signature	s 22



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IF YOU DO NOT AGREE WITH A DECISION

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- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00029686
PCBU DETAILS	Name: Australian Federal Police ABN: 17864931143 ACN:
REPORT ISSUED TO	s 47E(d) @afp.gov.au and s 47E(d) @afp.gov.au
BACKGROUND	
<ol style="list-style-type: none"> 1. Comcare conducted proactive inspections at two Australian Federal Police (AFP) workplaces as part of the 2022-23 NSW regional engagement program. These inspections were conducted at AFP Headquarters, s 47E(d) NSW on 14 December 2022 and Sydney Airport on 14 February 2023. 2. The purpose of these proactive inspections was to provide information and advice to AFP on compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act) and the <i>Work Health and Safety Regulations 2011</i> (Cth) (WHS Regulations). 	
OUTCOMES	
<ol style="list-style-type: none"> 3. Based on the information reviewed during the inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection. 4. However, AFP should consider the following: <ol style="list-style-type: none"> a. Review systems for managing risks associated with exposure to dust when cleaning the pistol range on s 47E(d) NSW; b. Take steps to ensure hazardous substances (i.e. illicit substances) received at s 47E(d) are packaged in a way that reduces the likelihood of the substances being damaged or spilt whilst being handled, stored or transported by AFP workers. 5. Learnings regarding control measures as a result of the inspection should be applied across the organisation where applicable. 	
COMPLIANCE ASSESSMENT	



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AFP Headquarters

6. Comcare Inspectors s 22 and I attended AFP Headquarters at s 47E(d) NSW on 14 December 2022. The site visit was conducted as an announced inspection. We were not accompanied by a Health and Safety Representative (HSR). Several AFP workers accompanied the Inspectors during the inspection at the workplace including s 47F , WHS Advisor AFP (s 47F).
7. During the Inspection, we observed the following areas of the workplace:
 - a. Lab: New labs on s of the workplace have recently been commissioned. We observed these labs and were provided with an overview of control measures in place to reduce the likelihood of workers being exposed to hazardous substances (namely illicit drugs). Control measures include spill kits, extraction fans, air locks, fume hoods and PPE. We also observed the AFP intranet (available on computers in lab and on work issued mobile phones) which contains safe operating procedures and risks assessments.
 - c. Drug storage room: The room has become quite crowded as the contractor operated incinerator that AFP uses to destroy hazardous substances was not operating at the time of the inspection. In this room I observed several steel pails (containers) which were labelled as containing 'methamphetamine' (an illicit drug). I was advised one of these pails was dropped during unloading at the workplace, which resulted in an AFP worker being exposed to the substance (NOT00027710). I recommend AFP take steps to ensure that hazardous substances (i.e. illicit substances/drugs) received at the workplace are packaged in a way that reduces the likelihood of the substance being damaged or spilt whilst being handled, moved or stored by AFP workers. AFP should also consider reviewing how PCBUs supplying hazardous substances to the workplace are packaging these substances.
 - b. Pistol range: The pistol range is located on s . Dust extractors are used to extract dust generated during firing practice. We were advised by the range controller that where residual dust is present within the firing range, dry sweeping is conducted to remove the dust. No PPE is worn when dry sweeping is undertaken. However annual monitoring of blood lead levels is undertaken on AFP workers who work in the pistol range. I recommend AFP review its systems for managing risk associated with exposure to dust when cleaning the pistol range. s advised that since the inspection, a sample of the dust has been taken⁴⁷ from the pistol range for testing, a new risk assessment on this task has been completed and workers dry sweeping are required to wear a P2 mask.



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AFP Sydney Airport

8. I attended an AFP workplace on 14 February 2023. I met with s 47F of AFP. The site visit was conducted as an announced inspection. We were not accompanied by the relevant Health and Safety Representative (HSR), however during the inspection I spoke with several workers at the workplace.
9. During the inspection we discussed; workplace consultation, manual handling and body stressing, handling hazardous substances, occupational violence, and the role and functions of the AFP SHEILD team. The SHEILD team consists of several speciality roles, including occupational therapist, dietician and medical officer. These staff provide health services to AFP workers.
10. I was shown the new vests worn by AFP during operations/patrols at the workplace, which were introduced to reduce body stressing hazards. The vest had only been recently introduced to the workplace, so workers were unable to provide feedback on the vest. However, trials of the vest had been undertaken at other AFP workplaces.
11. I visited the armoury located on s of the workplace; to gain access to the armoury, two members are required to swipe their pass, and members are required to be rostered on shift. There is also CCTV and sign on book.
12. I also visited training rooms, onsite laboratory (not being used) and room for storing x-ray equipment.

Summary

13. Based on my observations during these inspections, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspections. However I have made two recommendations to AFP regarding the workplace at s 47E(d) (refer Paragraph 4).

REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s
	Email	s 22 @comcare.gov.au
	Phone	s 22
	Date	24 February 2023



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	Signature	s 22
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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00029686 -VR01
PCBU DETAILS	Name: Australian Federal Police ABN: 17864931143 ACN:
REPORT ISSUED TO	Name: AFP Shield Position: s 47E(d) @afp.gov.au Cc:
BACKGROUND	
<ol style="list-style-type: none"> Comcare conducted two proactive inspections at Australian Federal Police (AFP) workplaces as part of the 2022-23 NSW regional engagement program (MC00029686). These inspections were conducted at AFP Headquarters, s 47E(d) NSW on 14 December 2022 and Sydney Airport on 14 February 2023. On 24 February 2023, Comcare issued an Inspector Report relating to these inspections (MC00029686), noting the following recommendations: <ol style="list-style-type: none"> Review systems for managing risks associated with exposure to dust when cleaning the pistol range on s 47E(d) NSW; Take steps to ensure hazardous substances (i.e. illicit substances) received at s are packaged in a way that reduces the likelihood of the⁴⁷ substances being damaged or spilt whilst being handled, stored or transported by AFP workers. On 7 December 2023, Comcare commenced a Verification Inspection to monitor AFP's progress against Comcare's recommendations included in Inspector Report MC00029686 and to assess compliance with the Work Health and Safety Act 2011 (Cth) (WHS Act) and Work Health and Safety Regulations 2011 (Cth) (WHS Regulations). 	
OUTCOMES	
<ol style="list-style-type: none"> Based on the information reviewed during the Verification Inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection. The PCBU must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. PCBUs should have regard to Part 3.1 of the WHS Regulations and the <i>Code of Practice: How to Manage Work Health and Safety Risks</i> when managing risks to health and safety. The PCBU must monitor and maintain control 	



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measures, particularly any interim controls, to ensure that they remain in use and effective.

6. The Verification Inspection is now closed.

COMPLIANCE ASSESSMENT

7. I determined a site visit was not necessary to examine the recommendations mentioned at paragraph 2, and sufficient information was able to be obtained voluntarily.
8. I was advised the following control measures have been implemented to address these recommendations:
 - a. Cleaning of pistol range: Dry sweeping is no longer occurring, range is cleaned using HEPA filter vacuum and wet mopping, range undergoes regular scheduled deep clean by specialist cleaners and a review of relevant AFP policy and procedure is in progress, this will be followed by an SOP on Health Monitoring for Lead (Pb). Precautionary health monitoring (annual blood testing) of AFP range workers has been ongoing to ensure indoor range use does not constitute lead risk work.
 - b. Packaging of hazardous substances: Tactical Plan Assessment (TPA) to include no drinking or eating when handling items from Australian Border Force (ABF), ABF has committed to identifying open items and liquid items collected by AFP; specifically identifying liquid seizures, items that may become liquefied, and ensure all liquids and viscous liquids are transported in sealed tubs, portable spill kit to be near the location where spills can happen, spill kits must be checked every 6 months to ensure all components are present, in good condition and within expiration date and date of verification recorded, face respirator available in the event of a spill of substance that is atomised or causes vapours, manual handling training and re-enforcement of correct lifting methods, specifically for items identified as heavy and long sleeves and long pants to be worn to reduce skin contact



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9. Based on this assessment I formed a belief that AFP has taken steps to address Comcare's recommendations included in inspector report MC00029686. The Verification Inspection is now closed.

REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s
	Email	s 22 @comcare.gov.au
	Phone	s 22
	Date	18 December 2023
	Signature	s 22



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Comcare may also need, in accordance with the Privacy Act 1988, and subject to confidentiality of information provisions under the WHS Act, to collect your personal information from, and disclose your personal information to, a number of parties, including but not limited to:

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- a court or tribunal
- state or territory work health and safety regulatory agencies
- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
- any other person assisting Comcare in the performance of its functions or exercise of its powers, including contractors and consultants
- any other person where there is an obligation under law to do so (for example but not limited to, responding to the direction of a court to produce documentation).

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made to someone overseas, Comcare will follow the Australian Privacy Principles that relate to disclosure to overseas entities.

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Australian Government

Comcare

INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00030788
PCBU DETAILS	Name: Australian Federal Police ABN: 17864931143
REPORT ISSUED TO	Name: s 47E(d) @afp.gov.au
BACKGROUND	
<ol style="list-style-type: none"> On 23 June 2023 Comcare conducted a proactive inspection at the Australian Federal Police (AFP) Station located at s 47E(d) , 2899 (the workplace). The scope of the inspection was to monitor, review and discuss any work health and safety issues at the workplace and provide information and advice to assist compliance with the Work Health and Safety Act 2011 (Cth) (WHS Act) and the Work Health and Safety Regulations 2011 (Cth) (WHS Regulations). The inspection also presented an opportunity for Comcare to continue to build an understanding of the challenges faced by AFP workers on Norfolk Island. 	
OUTCOMES	
<ol style="list-style-type: none"> Based on the information reviewed during the inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection and the inspection is now closed. 	
Information and advice	
<ol style="list-style-type: none"> The AFP must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. The AFP should have regard to Part 3.1 of the WHS Regulations and the <i>Code of Practice: How to Manage Work Health and Safety Risks</i> when managing risks to health and safety. The AFP must monitor and maintain control measures, particularly any interim controls, to ensure that they remain in use and effective. Learnings regarding control measures as a result of the inspection should be applied across the organisation where applicable. 	



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COMPLIANCE ASSESSMENT

7. Comcare Inspector s 22 and I attended the workplace in the conduct of the inspection and met with s 47F . Also in attendance was s 47F , A/g Director – Territories WHS - Department of Infrastructure, Transport, Regional Development, Communications, and the Arts (**The Department**), s 47F , Assistant Director Assets and Facilities – Norfolk Island – The Department, and s 47F , Senior Facilities Manager - s 47F .
 8. I was not accompanied by the relevant Health and Safety Representative for the workplace. The site visit was conducted as an announced inspection.
 9. The following was observed and discussed with s 47F during the inspection at the workplace;
 - a. s 47E(d)
 - b. Adequate and proactive psychosocial support in place for workers. Advised workers felt well supported by the AFP.
 - c. s 47E(d)
 - d.
 - e.
 - f.
 - g. s 47E(d)
- . Ongoing review by ABF Radio Technicians occurring with possible



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repeaters to put in place to rectify issue. Confirmed workers mobile phones have reliable reception in these areas.

- h. A purpose-built watercraft for search and rescue operations is expected to arrive in August 2023. s 47F and another sworn officer will obtain their coxswains certificate / licence before or upon the watercraft's arrival. It is expected specialised trainers will be brought onto the island to carry out the training.
- i. Emergency Evacuation Plans up to date and easily accessible throughout the workplace.
- j. Emergency shower and eye wash observed to be in good working order.

10. The following was discussed with s 47F during the inspection at the workplace;

- a. Improvements to the building are being reviewed and planned by The Department with renovations to the bathrooms, office space and storage area.
- b. Sealing of the carpark is planned to be completed within the next twelve months.
- c. A new roof to the building is planned to be installed in July 2023 due to leaks in the current roof.
- d. Asbestos Register available and up to date at the workplace. Due for renewal in July 2023.
- e. Fire panel is tested on a monthly basis, with smoke detectors and fire extinguishers tested and checked every six months.
- f. The concrete water tank located under the driveway at the rear of the building contains structural damage. It was confirmed regular inspections are carried out by The Department with some cracking of the driveway above the water tank observed.
- g. CCTV at the workplace to be upgraded and completed by technicians within six months.
- h. Backup generator subject to monthly inspections with nil issues identified



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REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s
	Email	s 22 @comcare.gov.au
	Phone	s 22
	Date	29 June 2023
	Signature	s 22



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- Comcare's internal and external legal advisers
- the Safety, Rehabilitation and Compensation Commission
- a court or tribunal
- state or territory work health and safety regulatory agencies
- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
- any other person assisting Comcare in the performance of its functions or exercise of its powers, including contractors and consultants
- any other person where there is an obligation under law to do so (for example but not limited to, responding to the direction of a court to produce documentation).

It is unlikely Comcare will provide personal information to anyone in an external territory or outside Australia, unless the information relates to an incident, investigation, injury or illness sustained while overseas, or treatment provided by an overseas practitioner. If disclosure of personal information is



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From: s 22
To: s 47F @afp.gov.au; s 47E(d) @afp.gov.au
Subject: 2024-05-28 - Comcare Monitoring Compliance Inspection MC00034340 - AFP members exposed to white substance - Liverpool NSW [SEC=OFFICIAL]
Date: Tuesday, 28 May 2024 3:55:00 PM
Attachments: [image001.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)

OFFICIAL

CLOSURE ADVICE – COMCARE INSPECTION – MC00034340

I am writing to finalise Comcare's response to the Australian Federal Police (AFP) notification of a potential exposure by members to a white powder-like substance while executing a search warrant on 5 April 2024 at s 47E(d), Liverpool NSW.

Comcare initiated an inspection to assess compliance with the *Work Health and Safety Act 2011* (Cth) (WHS Act) and *Work Health and Safety Regulations 2011* (Cth) (WHS Regulations) in relation to this matter.

I had an initial discussion with s 47F – WHS Advisor (Eastern Command) to ascertain circumstances around the incident. s 47F advised the notification made to Comcare was a precautionary measure due to the AFP's regular drug-testing protocol and their requirement to internally report any potential substance exposure by its members. It was determined that the incident was *not notifiable*, as prescribed by s38 of the WHS Act, because the substance identified on the desk and on members' pens and diaries was only dust. Furthermore, the drug detection dogs did not react to the (desk) substance at any point during the search.

AFP has not initiated an investigation due to the dust not being identified as cocaine but have implemented some corrective actions and system enhancements. AFP Learnings from the incident include:

- Lock down area once it is cleared to minimise exposure.
- Use of PPE.
- Members to bring their own equipment (folding tables etc.).

Based on the information reviewed during the inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection.

In relation to the incident, I am satisfied that the PCBU's actions constitute an appropriate response. The PCBU must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. PCBUs should have regard to Part 3.1 of the WHS Regulations and the *Code of Practice: How to Manage Work Health and Safety Risks* when managing risks to health and safety. The PCBU must monitor and maintain control measures, particularly any interim controls, to ensure that they remain in use and effective.

I have determined that an Inspector Report is not required, and this inspection is now closed. Should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that AFP has exercised due diligence to ensure the application and ongoing effectiveness of relevant controls.

Regards,

s 22

ctor

Regional Operations NSW
Regulatory Operations Group | Comcare
P: s 22 | M: s 22



Comcare

GPO Box 9905, Canberra, ACT 2601

1300 366 979

www.comcare.gov.au





Aus

INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00033172-VR01
PCBU DETAILS	Name: Australian Federal Police ABN: 17864931143 ACN:
REPORT ISSUED TO	Name: s 47F Position: WHS STRATEGY & RADIATION SAFETY OFFICER – SHIELD PEOPLE COMMAND Email: s 47F @afp.gov.au
BACKGROUND	
<ol style="list-style-type: none"> On 11 June 2024 Comcare received Notification of possible exposure to electromagnetic radiation (EMR). On Friday Afternoon 7/06/2024, 2 members of the Australian Federal Police (AFP) were tracking a source of electromagnetic radiation (EMR) through North Sydney. Members were following a vehicle of interest that was emitting a high amount of EMR for some time, approx. 10-15 minutes. The vehicle pulled over and the driver was placed under arrest. The arresting officer was standing in close proximity to the source, so potentially exposed to excess EMR. The other officer was instructed to turn off the source of the EMR and in the course of this was required to approach the vehicle and potentially exposed to excess EMR. Comcare commenced a verification inspection in relation to these WHS concerns on 08 May 2024 to monitor and enforce compliance with the WHS Act and the Work Health and Safety Regulations 2011 (Cth) (WHS Regulations). The scope of the inspection was to: <ol style="list-style-type: none"> Verify controls in place. Verify action plan. Determine PCBU/PWMC compliance/non-compliance with the WHS Act. Determine appropriate regulatory action. The risks to health and safety are possible exposure to hazardous electromagnetic radiation. 	
OUTCOMES	
<ol style="list-style-type: none"> Based upon the review of the information made available in the conduct of the Inspection, I formed a reasonable belief that the AFP have procedures, systems and action plan in place that confirms an appropriate response from the PCBU. 	



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6. While I am satisfied that the information provided to me in the conduct of this Inspection and additional information obtained during this inspection confirms an appropriate response from the PCBU, the PCBU must now ensure that the duties pertaining to WHS regulations 37 and 38 are met in relation to both interim and enduring controls. There is an obligation to ensure entities undertaking works under the PCBU, act and follow the prescribed safety system to reduce the likelihood of this incident reoccurring.

Information and advice

7. The PCBU must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. PCBUs should have regard to
 - a. ARPANSA Radiation Protection Series S-1. The Standard includes requirements for protection of the general public, the management of risk in occupational exposure, information on measurement and assessment of compliance.
 - b. Part 3.1 of the WHS Regulations
 - c. Code of Practice: How to Manage Work Health and Safety Risks
8. Learnings should be applied across the organisation where applicable.
9. This Inspection is now closed, however, Comcare may conduct a Verification Inspection within the next six (6) months to confirm that the corrective actions are effective, and the PCBU/PWMC/Officers have exercised due diligence over the workplace in accordance with section 27 of the WHS Act to ensure the application, ongoing effectiveness, and integrity of this workplace safety system.

COMPLIANCE ASSESSMENT

1. Based on information provided to me prior to the site inspection, I formed a reasonable belief that the following control measures have been implemented by AFP in relation to the risks:
 - a) AFP have initiated discussion with ARPANSA to assist in development of a risk profile for handling devices that emit a EMR signature.
 - b) Where possible AFP will undertake future seizures at premises under search warrant when devices are switched off.
 - c) Where possible the AFP will instruct members to approach suspect vehicles from the front as placement of these devices face to the rear of suspect vehicles.
2. At the conclusion of the Inspection, I formed a reasonable belief that AFP complies with the WHS Act in relation to its WHS duties by ensuring contractors have implemented safe systems of works to comply with the WHS Act.



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REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s
	Email	s 22 @comcare.gov.au
	Phone	s 22
	Date	17/07/2024
	Signature	s 22

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- a court or tribunal
- state or territory work health and safety regulatory agencies
- personnel engaged by Comcare to conduct research related activities



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- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00035747
PCBU DETAILS	Name: Australian Federal Police ABN: 17864931143
REPORT ISSUED TO	Name: s 47F Position: Compliance & Regulatory Engagement Advisor
BACKGROUND	
<ol style="list-style-type: none"> On 19 August 2024, Comcare received information regarding an incident that occurred at the Emergency Management Norfolk Island (EMNI) building, Norfolk Island, on 1 August 2024. The information indicated the Norfolk Island Regional Council (NIRC) conducted tests on the water supply tanks at the EMNI building in March 2024. These tests detected Perfluoroalkyl/Polyfluoroalkyl Substances (PFAS) levels higher than drinking water and recreation guidelines (the incident). On 1 August 2024, AFP members were informed of this PFAS detection by the Norfolk Island Chief Fire Fighting Officer. The EMNI building is owned by the Norfolk Island Regional Council (NIRC). The Norfolk Island Fire Service is stationed at the EMNI building. The Australian Federal Police (AFP) Maritime Search and Rescue Team utilise a small part of the EMNI building to stow and clean their vessel. AFP members used the water from the supply tanks at the EMNI for washing and general cleaning of their vessel. Nine AFP members were possibly exposed to the water supply from 24 October 2023 to 1 August 2024. Comcare commenced an inspection in relation to this matter on 30 August 2024 to monitor and enforce compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act) and the <i>Work Health and Safety Regulations 2011</i> (Cth) (WHS Regulations). The scope of the inspection was to inspect the AFP management of risks in relation to the identification of excess PFAS levels in the water system at the EMNI building. The risk/s to health and safety identified during the inspection was the exposure to hazardous chemicals. 	
OUTCOMES	
<ol style="list-style-type: none"> Based on the information reviewed during the inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection. 	
Information and advice	
<ol style="list-style-type: none"> The AFP must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably 	



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practicable: s 17 of the WHS Act. PCBU should have regard to Part 3.1 of the WHS Regulations and the *Code of Practice: How to Manage Work Health and Safety Risks* when managing risks to health and safety. The PCBU must monitor and maintain control measures, particularly any interim controls, to ensure that they remain in use and effective.

10. Learnings regarding control measures as a result of the inspection should be applied across the organisation where applicable.
11. The inspection is now closed however should a similar incident occur anywhere within the organisation in the future, Comcare will seek to confirm that the AFP has ensured the control measures are effective and maintained.
12. Comcare draws the AFP's attention to their duties to consult, so far as is reasonably practicable, with workers and Health and Safety Representatives (**HSRs**) on work health and safety matters. Comcare encourages PCBUs to share inspector reports, or to provide access to relevant content or information regarding hazards and associated risks, with their workers, including HSRs. PCBUs must, so far as is reasonably practicable, 'consult with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to work health or safety' (s47).
13. Compliance with this duty may be assisted by sharing health and safety information from inspector reports with relevant workers and/or their representatives. PCBUs should also note that HSRs are empowered to receive information relevant to their work groups, and that as a function of their role, may request access to inspector reports, or relevant information within them. Comcare encourages PCBUs to have regard to their consultation duties, and to their obligations to HSRs under the WHS Act when responding to such requests (see ss 49, 70(1)(a), 70(1)(c), 71 and 79(3)).

COMPLIANCE ASSESSMENT

14. On 31 October 2024, Senior Inspector s 22 and I attended AFP Police Station at s 47E(d), Norfolk Island and met with s 47F. I was not accompanied by the relevant HSR.
15. On 19 November 2024, a section 155 NT-01 'Notice to Obtain Information and Documentation' was issued to the AFP.
16. On 11 December 2024, the AFP provided information and documentation in relation to this notice.
s 47E(d)



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s 47E(d)

18. Based on this assessment, I have formed a reasonable belief that the AFP has implemented reasonably practicable measures to monitor and respond to the risk of PFAS contamination, and this inspection is now closed.

REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s
	Email	s 22 @comcare.gov.au
	Phone	s 22
	Date	9 January 2025
	Signature	s 22



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In exercising our functions and powers, Comcare may disclose personal information, subject to confidentiality of information provisions under the WHS Act, to the following bodies and agencies, including but not limited to:

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- the Safety, Rehabilitation and Compensation Commission
- a court or tribunal
- state or territory work health and safety regulatory agencies
- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
- state and territory Coroners
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From: s 22
To: s 47E(d) n@afp.gov.au
Cc: s 47F
Subject: 2024-12-19 - s 47F to AFP Injury / Prevention Team - MC00036160 – Australian Federal Police - s 47E(d)
Date: Thursday, 19 December 2024 9:24:00 AM

OFFICIAL

To: AFP – Injury / Prevention Team,

Re: MC00036160 – Australian Federal Police - s 47E(d)

Norfolk Island.

On 31 October 2024, Senior Inspector s 22 and I attended the workplace located at s 47E(d), Norfolk Island and met with Australian Federal Police (AFP) representative s 47F. These meetings deepen our understanding of AFP business operations and the unique challenges at this location.

During the meeting, the following items were discussed:

- The importance of developing a relationship between Comcare and the AFP on Norfolk Island.
- The continuance in building Comcare's familiarity and understanding relating to the specific workplace and work practices on Norfolk Island.
- The provision of information and advice to AFP to assist them in complying with their obligations under the Work Health and Safety Act 2011 (WHS Act) and Work Health and Safety Regulations 2011 (Cth) (WHS Regulations).
- The challenges faced by AFP workers on the island.

As per our internal procedures, I have determined an Inspector Report is not required and the inspection is now closed.

Should you have any questions or require clarification, please do not hesitate to contact me. I am more than willing to provide assistance and guidance to support ongoing efforts in creating a safe and secure workplace.

It is envisaged Comcare will conduct another inspection at the workplace with AFP representatives in April/May 2025

Thank you for your cooperation.

Regards
s 22

Senior WHS Inspector

Regional Operations NSW | Regulatory Operations Group

Comcare

Inspector Appointed under Work Health and Safety Act 2011

Ms 22



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INSPECTOR REPORT

COMCARE REFERENCE	MC00023819	Report No.	Final
PCBU DETAILS	Name Address ABN ACN	Australian Federal Police GPO Box 401 CANBERRA, ACT 17 864 931 143	
REPORT ISSUED TO	Name Position	s 47F WHS Advisor, Northern Command & International Command Radiation Safety Officer Organisational Health Australian Federal Police	
COPY OF REPORT GIVEN TO	Name Position	N/A	
RELEVANT WORKPLACE/S OR WORKSITE	Name Address Date	Cairns AFP Station s 47E(d) Cairns QUEENSLAND 4870 22 September 2021	
INSPECTOR	Name	s 22	
OTHER PERSONS ATTENDING WITH INSPECTOR	Name Position	s 22 Assistant Director	

PURPOSE

- The purpose of the Inspection is to assess compliance with the *Work Health and Safety Act 2011 (WHS Act)* and *Work Health and Safety Regulations 2011 (Cth) (WHS Regulations)* in relation to the incident (**the incident**).
- On 23 September 2021, Comcare received written notification of an incident that occurred at Cairns AFP Station, s 47E(d) Cairns, Queensland, 4870 on date 22 September 2021. The notification stated, in part, *"Member experienced pain in his lower back while wearing his BSRV."*
- An Inspection, MC00023819, (**the Inspection**) in relation to the incident commenced on 27 September 2021.

OUTCOMES

- Based upon the review of the information made available in the conduct of the Inspection, the Inspector formed a reasonable belief that the Australian Federal Police (AFP) complied with its duties under the WHS Act/WHS Regulations with respect to the scope of this Inspection.

Corrective Actions

5. In response to the incident the AFP committed to a review of its risk assessments relating to the manual task of donning/wearing the BSRV, and of the Commissioner's Order Number 3 relating to the mandatory wearing of Ballistic Spike Rated Vests (BSRV).
6. AFP will defer the reviews noted at paragraph 5 until 2022, when (unrelated to this incident) a replacement (BSRV) will be implemented across AFP. This ensures that any hazards introduced by the new BSRVs are considered in the review.

Closure

7. The Inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the AFP have exercised due diligence to ensure the application and ongoing effectiveness of these controls.
8. While the Inspector is satisfied that this constitutes an appropriate response, the AFP must now ensure that the duties pertaining to WHS regulations 37 and 38 are met in relation to both interim and enduring controls:
 - a. risks are either eliminated, and if not possible to do so, are reduced so far as reasonably practicable;
 - b. the controls are effective, in place, and are used;
 - c. where relevant, the lessons are applied across the organisation.

COMPLIANCE ASSESSMENT

9. The Inspector attended the AFP Brisbane Office, s 47E(d) QLD 4006 in the conduct of the Inspection through voluntary agreement.
10. The Inspector determined a site visit to Cairns AFP Station, s 47E(d) QLD 4870 was not necessary to examine the incident scene, and sufficient information was able to be obtained through voluntary submissions made in response to requests for information by the Inspector.
11. Through its submissions the AFP confirmed the following:
 - a. the donning of the BSRV by the worker at the time of the incident was part of AFP's business and undertaking and was being carried out at AFP's direction.
12. The location was a workplace in accordance Part 1 Division 3 Section 8 of the WHS Act as demonstrated by:
 - a. work was being carried out at an AFP location.
13. Based upon the information reviewed, the Inspector noted control measures relating to BSRV's that were implemented by the AFP prior to the incident were:
 - a. administration information including Orders, Instructions and Publications
 - b. initial worker preparation including online training module/s

- c. yearly worker compliance assessments including instruction, execution, and supervision
 - d. the provision to the worker of appropriate information and training on personal fitness relating to core strength
 - e. the provision to the worker of access to a gymnasium, including qualified fitness trainers.
14. On review of the incident, including conversations with, and demonstrations by workers regarding the donning/wearing of the BSRV, the Inspector formed the following understanding of the incident:
- a. a worker was undertaking the activity in expected conditions.
 - b. the incident likely occurred due to the twisting motion of the worker's body in lifting and donning the BSRV.
 - c. all initial and ongoing training in relation to the donning/wearing/handling and storage of BSRV's had been successfully completed by the worker prior to the commencement of the shift.
 - d. there were no variations or exemptions relating to the worker in place with respect to the BSRV.
 - e. applicable briefings in relation to approved techniques whilst wearing the BSRV were delivered at various times as required.
 - f. all post-incident actions were carried out in accordance with the documented procedures.

POWER EXERCISED (if any)

Section of Act	Nature of Inspector action/decision
None	Not exercised

COMPLIANCE STATUS OF PREVIOUSLY ISSUED NOTICES (if any)

Notice	Description	Status
--------	-------------	--------

REPORT	Inspector:	s 22	Phone:	s 22
ISSUED BY	Email:	s 22 @comcare.gov.au	Region:	QLD
INSPECTOR'S SIGNATURE	s 22 Signature		Date: 23/12/2021	

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REVIEW OF DECISIONS

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INSPECTOR REPORT

COMCARE NUMBER	REFERENCE	MC00027406
PCBU DETAILS	Name:	Australian Federal Police (AFP)
	ABN:	17864931143
	ACN:	
REPORT ISSUED TO	Name:	s 22
	Position:	WHS Advisor - SHIELD People and Culture Command c/- AFP Headquarters Edmund Barton Building s 47E(d) CANBERRA ACT 2601
	Cc:	
BACKGROUND		
<ol style="list-style-type: none"> On 09 June 2022 Comcare received information regarding an incident that occurred at AFP Brisbane Airport Aviation s 47E(d) Brisbane Airport, Brisbane, 4008 on the same date. The information indicated an unauthorised discharge of a service issue firearm had occurred. Comcare commenced an inspection in relation to this matter on 14 June 2022 to monitor and enforce compliance with the <i>Work Health and Safety Act 2011 (Cth)</i> (WHS Act) and the <i>Work Health and Safety Regulations 2011 (Cth)</i> (WHS Regulations). The scope of the inspection was to: <ol style="list-style-type: none"> Investigate the AFP's safe system of work in relation to their undertakings associated with this incident under the WHS Act. The risks to health and safety identified during the inspection were: <ol style="list-style-type: none"> Injury to workers during activities involving the handling and maintenance of AFP service issued Glock firearms. Insufficient training to workers involved in the activity. Inadequate policies and procedures relating to the storage, training and maintenance of AFP service issued Glock firearms. 		
OUTCOMES		
<ol style="list-style-type: none"> Based on the information reviewed during the inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection. 		



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Information and advice

6. The AFP must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. The AFP should have regard to Part 3.1 of the WHS Regulations and the *Code of Practice: How to Manage Work Health and Safety Risks* when managing risks to health and safety. The AFP must monitor and maintain control measures, particularly any interim controls, to ensure that they remain in use and effective.
7. In relation to this matter, the AFP should consider the following:
 - a. Review range practice policies and procedures to assess incorporating cleaning of AFP service issue firearms whilst at the range at the conclusion of range practice.
8. Learnings regarding control measures resulting from the inspection should be applied across the organisation where applicable.
9. The inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the AFP has ensured the control measures are, and are maintained so that they remain, effective.

COMPLIANCE ASSESSMENT

10. On 20 June 2022, in company with Senior Inspector S 22 , I attended the AFP Brisbane Airport Aviation Office, S 47E(d) , Brisbane Airport, Brisbane, 4008 in the conduct of the inspection. The site visit was conducted as an announced inspection. I was accompanied by the relevant Health and Safety Representative.
11. Whilst the site visit was co-ordinated with the AFP, the Inspectors showed their identity cards in accordance with Section 157 of the WHS Act and explained the nature of their entry was under Section 163 and that upon entry, Section 165 of the WHS Act was enlivened.
12. During the site visit I met and spoke with AFP representatives who gave a brief account of the circumstances in relation to the incident. The representatives further explained that an internal investigation in relation to the incident had commenced. The site visit was aided by:
 - a. A physical inspection of the AFP armoury.
 - b. A physical inspection of the loading/unloading booths.
 - c. A physical inspection of the damaged work bench.



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- d. A description of the normal processes in relation to the application of the Safety Precautions as outlined in Commissioners Orders on Operational Safety #3 (CO #3).
 - e. A description of the normal processes in relation to the cleaning of AFP service issue Glock firearms at the work bench provided as outlined in the AFP Glock Handbook.
13. On 31 October 2022, in company with Assistant Directors 22 , I attended the AFP Office at s 47E(d) , 4006 in the conduct of the inspection. The site visit was conducted as an announced inspection. I was accompanied by the relevant Health and Safety representatives.
 14. Whilst the site visit was co-ordinated with the AFP, the Inspectors showed their identity cards in accordance with Section 157 of the WHS Act and explained the nature of their entry was under Section 163 and that upon entry, Section 165 of the WHS Act was enlivened.
 15. During the site visit I met and spoke with AFP representatives who provided information in relation to the inspection. The representatives also provided documentation in response to requests made by me.
 16. Based on the information reviewed, control measures implemented by the AFP prior to the incident were:
s 47E(d)
 17. I consider the control measures in place in relation to the incident were adequate.
 18. In response to the incident, the AFP:
s 47E(d)



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s 47E(d)

19. In forming this decision, I considered the following:

s 47E(d)

20. I further considered the following information gathered as a result of the site visit conducted on 31 October 2022:

- a. Document titled s 47E(d)
- b. Document titled
s 47E(d)



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s 47E(d)

22. Based on this assessment I formed a reasonable belief that the AFP has adequate control measures relating to the safe handling, use and maintenance of AFP service issue Glock firearms and the inspection is now closed.

REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s - -
	Email	s 22 @comcare.gov.au
	Phone	s 22
	Date	23 November 2022
	Signature	s 22



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IF YOU DO NOT AGREE WITH A DECISION

If you disagree with the outcome of this inspection, you may seek an internal reconsideration of the inspector's decision. A request for a review should be sent to statutory.oversight@comcare.gov.au including any additional information or evidence you have to support your request. Comcare will review your request and advise of the outcome in writing within 20 business days.

If you would like to clarify any aspect of this report, you can contact the inspector directly.

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- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
- any other person assisting Comcare in the performance of its functions or exercise of its powers, including contractors and consultants
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s 22

From: s 22 @comcare.gov.au>
Sent: Wednesday, 8 January 2020 10:42 AM
To: s 47F @afp.gov.au>
Cc: s 47F @afp.gov.au>; s 47F @afp.gov.au>
Subject: MC00013412 - AFP - Testing of illicit substance drug in non drug handling areas - No injuries - Adelaide SA [SEC=OFFICIAL]

OFFICIAL

Hello s 47F

Please be advised that the above titled inspection will be closed and any further interaction in relation to Adelaide and Darwin AFP offices regarding illicit substance contamination will be managed by Comcare via “the centralised enquiries into the same matter- MC00014034- as coordinated by Inspector s 22 and in consideration of the recent Comcare WHS audit at AFP”.

Please give me a call if you have any questions regarding this email.

Regards,

s 22

Senior Inspector | Regional Operations SA/NT | COMCARE**Regulatory Operations****Inspector appointed under section 156 of the WHS Act (Cth)**

P s 22 | F s 22 | M s 22

Email: s 22 [@comcare.gov.au](mailto:s22@comcare.gov.au)**COMCARE****GPO Box 1993, Canberra, ACT 2601****1300 366 979 | www.comcare.gov.au****NOTICE:**

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AFP Web site: <http://www.afp.gov.au>



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INSPECTOR REPORT

COMCARE REFERENCE		Report No.	1
PCBU DETAILS	Name	Australian Federal Police (AFP)	
	Address	GPO Box 401, Canberra, ACT, 2601	
	ABN/ACN	17 864 931 143	
REPORT ISSUED TO	Name	S 47F	
	Position	Team Leader- Injury Prevention-People, Safety & Security	
COPY OF REPORT GIVEN TO	Name	S 47F	
	Position	Acting Team Leader- Injury Prevention- Organisational Health	
RELEVANT WORKPLACE/S OR WORKSITE	Name	AFP Adelaide Office	
	Address	S 47E(d) Adelaide, SA	
	Date	30/10/2019 (Meeting room only)	
INSPECTOR	Name	S 22	
OTHER PERSONS ATTENDING WITH INSPECTOR	Name	S 22	
	Position	Senior Inspector	

PURPOSE

- The purpose of the Inspection is to assess compliance with the *Work Health and Safety Act 2011 (Cth)* (**WHS Act**) and *Work Health and Safety Regulations 2011 (Cth)* (**WHS Regulations**) in relation incident notifications (multiple) provided to Comcare in relation to an exposure to hazardous substances (illicit substances) (**the notifications**).
- On various dates between September and October 2019 Comcare received written notifications of dangerous incidents of a historical nature on the basis that recent sampling indicated a presence of illicit drug contamination within drug handling and non-drug handling areas within some AFP offices. The notification/s stated, in part,

“Following on from works undertaken by the AFP's National Environmental Remediation Program (NERP), CETEC Professional Scientific Solutions was engaged to conduct extensive surface contamination assessment for illicit drugs at the:

 - AFP Adelaide Office, S 47E(d) (date of incident listed as 23/09/2019)*
 - AFP Perth Office, S 47E(d) , WA (date of incident listed as 04/10/2019)*
 - AFP Darwin Office, S 47E(d) NT (date of incident listed as 04/10/2019)*
 - AFP Melbourne Office S 47E(d) (date of incident listed as 09/10/2019)*

The objective of the testing was to determine the extent of illicit drug contamination within the building to facilitate the assessment of exposure risk to AFP staff and contractors and to advise the remediation process.

Initial contamination assessment results has shown/identified:

- *Contamination with illicit substances is widespread in drug handling areas and non-drug handling areas (AFP Adelaide Office).*
- *Contamination with illicit substances is widespread in drug handling areas (AFP Melbourne Office)*
- *Low levels of illicit substance contamination in office and general areas and higher levels within drug handling areas (AFP Perth and Darwin Office)”*

3. An Inspection (the Inspection) in relation to the notifications commenced, consisting of a review of historical (similar reports relating to exposures to illicit substances) issues within AFP and a desktop assessment of actions proposed in response to the 2019 testing for illicit substance contamination within AFP Offices generally.

OUTCOMES

4. Based upon the review of the information made available in the conduct of the Inspection, The Inspector formed a reasonable belief that the AFP as the Persons Conducting Business or Undertaking (PCBU) and Persons with Management Control (PWMC) were taking reasonable steps to comply with their duties under the WHS Act/WHs Regulations with respect to the scope of this inspection.
5. AFP have taken reasonable actions to assess current AFP forensic facilities (Perth/ Brisbane/ Canberra (Majura)/ Darwin/ Melbourne/ Adelaide/ Sydney) and reviewed controls in effect to prevent hazardous substances exposure- primarily to rely on higher-order controls (engineering/design) with the proposed laboratory remediation works.
6. AFP are progressing actions to address forensic laboratory shortfalls nationally, inclusive of:
 - a. Interdependent project teams overseeing the assessment and decontamination of AFP offices as well as the improvements required to the forensics unit
 - b. Engagement of occupational hygienists to test for illicit substances and advise of the remediation actions required
 - c. Conducting a clean of the AFP offices as required
 - d. Re-sampling the work area to confirm cleaning was effective (a clearance certificate to be issued)
 - e. Engagement of laboratory design experts to develop plans for new/remediated laboratory work environments in consultation with worker representatives
 - f. Reviewing the illicit substances pathway within AFP offices to minimise risks associated with the handlings and storage of hazardous substances
 - g. Continuing monthly meetings with AFP State office representatives to advise of the progress of the corrective actions and associated changes
 - h. Continued implementation of national forensic technical instructions, standard procedures or similar.
 - i. Developing an internal audit program for forensics and continuing inspections annually or more frequently as required.

7. Of note, a Work Health and Safety (WHS) Audit was conducted by Comcare/AFP in November 2019. It is anticipated that some relevant corrective actions may be identified in response to multiple site visits conducted during the audit that may have some direct or indirect relationship to the handling, storage, use or generating of hazardous substances.
8. Comcare may conduct a verification inspection to verify completion of the proposed actions identified at paragraph six, including but not limited to ensuring that the expected WHS results were achieved.

COMPLIANCE ASSESSMENT

9. The Inspector attended the AFP Adelaide Office in the conduct of the Inspection through voluntary agreement as an announced inspection. Information obtained via supplementary correspondence (including associated reports) and teleconferences were conducted in a voluntary manner.
10. The Person with Management or Control of the Workplace (the PWMC) in accordance with Part 2 Division 3 Section 20 of the WHS Act is the AFP as demonstrated by:
 - a. The notifications
 - b. The National Environmental Remediation Program (NERP) Reference Group Terms of Reference (Draft, November 2019) and Forensic Laboratory Remediation Program (FLRP) Forensics Laboratory Remediation Project Governance Structure, version 2, dated April 2019 that demonstrates the ability influence and direct outcomes that impact on workers health and safety.

Findings

11. In October 2017, the AFP developed an Action Plan to address shortfalls in conditions, capacity and functionality in existing forensic facilities.
12. In April 2019 the National Environmental Remediation Program (**NERP**) was introduced. With the Chief Financial Officer as the Chair of the NERP reference group, it is responsible for directing and supporting the management of the Environmental Remediation Program of activities including testing and sanitisation of all sites across Australia where there is a known substance presence.
13. The program of remediating the forensic laboratories and ensuring relevant AFP Offices are decontaminated are interdependent with respect to other key projects relating to the completion of building lease agreements and construction works associated with laboratory remediation or office fit-out.
14. Based upon the information reviewed, The Inspector found:
 - a. Illicit substance exposure was a multifactorial historical issue within AFP. It was reported that the probable root cause of the contamination was the ongoing necessity to bring drugs and drug-related exhibits into the building for deconstruction, repackaging/bulking, weighing, laboratory analysis and storage. The contamination detected in office areas and the associated heating, ventilation and air conditioning system was likely to be a symptom of the contamination not being fully contained in these designated areas for various reasons such as work practices, lab design and/or equipment limitations.

- b. Occupational hygienists (CTEC) were engaged to conduct surface wipe sampling and air monitoring and advise the AFP of the remediation process. As the Safe Work Australia Hazardous Chemical Information System (HCIS) does not provide any exposure limits for the illicit drugs, tiers of contamination levels (surface and airborne) were reported by CTEC. This was based on, but not limited to, the Clandestine Lab Remediation Guidelines published by the Australian Government and existing guidelines dealing with pharmaceutical worker exposure to drugs. Tiers were established for drug handling areas (on the basis that there is a known risk and PPE is available) and non-drug handling areas, that was to account for sensitive populations like children and pregnant women.
- a. Surface wipe sampling and air monitoring was completed at the following AFP Offices- Adelaide, Darwin, Melbourne, Brisbane, Canberra (Majura) and Perth between August and September 2019, except for Sydney that was completed in September 2017.
- b. Specialist laboratory cleaning was required for Melbourne, Adelaide, Sydney, Perth and Brisbane. Once specialist laboratory cleaning is complete, additional testing will be conducted with clearance certificates issued (completed records unseen by the Inspector).
- c. Business Continuity Plans (BCP) are in effect when AFP office locations are indisposed due to scientific cleaning/ construction work being conducted. For Adelaide- digital forensics will likely relocate to Adelaide Airport AFP offices and local police forensic laboratories may support AFP. A similar scenario is likely for other AFP State offices undergoing scientific cleaning or construction works.
- d. AFP have provided assurance that a team leader or competent person has verified that the alternate forensic laboratory is safe/suitable (the exception is Darwin where no alternate forensic laboratory was required).
- e. Between July 2019-September 2019 AFP reportedly conducted audits of forensic laboratories to review controls in place to prevent exposure to hazardous substances and minimise contamination (the exception was Darwin). It was reported that an internal audit program for forensics is in development with inspections carried out annually or more frequently if required.
- f. Lab design experts (L2D) were engaged, and drug handling processes are assigned for review within each state office. Where possible, steps have been taken to reduce the travel path/ frequency of handling of illicit substances (e.g. limited to designated levels in Sydney). The design for the laboratories (Melbourne, Adelaide, Sydney, Brisbane) is underway.
- g. Representatives from specific areas within the forensics team (e.g. crime scene, digital etc) were consulted on the future design of forensic laboratories to ensure they would be fit for purpose.
- h. As of the 18 December 2019, construction contractors were yet to be finalised, noting the design status, tendering and procurement processes were yet to be finalised. Lab remediation is, in part, limited by lease agreements, building owner cooperation and stakeholder engagement (e.g. Environmental Protection Authority/local councils – depending on exhaust systems). It was anticipated that laboratory remediation/renovation works for Melbourne, Adelaide, Sydney and Brisbane would be completed in 2020/21. The Perth office is due for relocation within 18month/2years, so a review of existing facilities/controls was scheduled to manage interim risk.

- i. Forensic workers have reportedly been offered health screening to assess baseline medical parameters (e.g. blood tests, spirometry- as per the Chief Medical Officer recommendations).
- j. A stakeholder communications plan is in effect in relation to the NERP and FLRP- monthly status meetings are represented by each state office. The Inspector observed records of completed email communications to workers for various offices.
- k. Interim controls (until the new labs are commissioned) are focussed on compliance to national technical instructions/SOPs (not verified within the scope of this inspection) and personal protective equipment.
- l. Crime scene team leaders were advised via email that for laboratories that were operational:
 - i. “Any drug items should be double bagged or double contained and wiped down (alcohol wipes should suffice) prior to transportation (In and out of the lab or other sites)
 - ii. All personal protective equipment must be worn when conducting examinations and must be removed and hands washed prior to leaving the laboratory area. No PPE should be worn outside the laboratory area. I also recommended that high guard booties are worn and/or that sticky mats are placed at the exit to lab areas.
 - iii. The areas must be cleaned after examinations as per TI-107. It is important that we eliminate any dry sweeping of any spills as this will potentially spread contaminants.
 - iv. Any items in the lab should be treated as contaminated and cleaned prior to transportation as per TI-107”.

POWER EXERCISED (if any)

Section of Act	Nature of Inspector action/decision
None	Not exercised

COMPLIANCE STATUS OF PREVIOUSLY ISSUED NOTICES (if any)

Notice	Description	Status

REPORT	Inspector:	s 22	Phone:	s 22
ISSUED BY	Email:	s 22 @comcare.gov.au	Region:	SA NT
INSPECTOR'S SIGNATURE	s 22 Signature:		Date: 23/01/2020	

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- Commonwealth, state or territory industry regulators
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INSPECTOR REPORT

COMCARE REFERENCE	MC00024246	Report No.	1
PCBU DETAILS	Name Address ABN ACN	Australian Federal Police GPO Box 401 CANBERRA ACT 2601 17864931143	
REPORT ISSUED TO	Name Position	s 47F WHS Advisor – People and Culture Command	
COPY OF REPORT GIVEN TO	Name Position		
RELEVANT WORKPLACE/S OR WORKSITE	Name Address Date	Private residence - 19 October 2021	
INSPECTOR	Name	s 22	
OTHER PERSONS ATTENDING WITH INSPECTOR	Name Position	N/A	

PURPOSE

- The purpose of the Inspection is to assess compliance with the *Work Health and Safety Act 2011 (WHS Act)* and *Work Health and Safety Regulations 2011 (Cth) (WHS Regulations)* in relation to the incident.
- s 47F
- s 47F
- S
47

(the incident).

S
47
- An Inspection (**the Inspection**) in relation to the incident commenced on the 20 October 2021.

OUTCOMES

- Based upon the review of the information made available in the conduct of the Inspection, the Inspector formed a reasonable belief that the Persons Conducting a Business or Undertaking (**PCBU**) complied with their duties under the WHS Act/WHS Regulations with respect to the scope of this Inspection.

6. The Inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the PCBU have exercised due diligence to ensure the application and ongoing effectiveness of these controls.
7. While the Inspector is satisfied that this constitutes an appropriate response, the PCBU must now ensure that the duties pertaining to WHS regulations 36 to 38 are met in relation to both interim and enduring controls:
 - a. risks are either eliminated, and if not possible to do so, are reduced so far as reasonably practicable
 - b. the controls are effective, in place, and used
 - c. where relevant the lessons are applied across the organisation.

COMPLIANCE ASSESSMENT

8. The Inspector determined a site visit was not necessary to examine the incident scene and sufficient information was able to be obtained through the use of statutory powers.
9. The location was not a workplace in accordance Part 1 Division 3 Section 8 of the WHS Act.

In relation to the incident:
s 47E(d)

s 47E(d)

16. AFP is referred to the Safework Australia 'Guide for preventing and responding to workplace bullying' guidance document that states that if a worker considers they are being bullied they will be more likely to report it if they know there is a transparent reporting process in place and that it will be followed as soon as a report is received. Reporting can be encouraged by:
 - ensuring consistent, effective and timely responses to reports, and
 - being transparent about dealing with workplace bullying by regularly providing information on the number of reports made, how they were resolved and what actions were taken.
17. The Inspector recommends AFP consider the Safework Australia's national guidance material 'Guide for preventing and responding to workplace bullying' and 'Work related psychological health and safety- A systematic approach to meeting your duties' in any reviews undertaken of psychosocial hazards in the workplace.
18. The Inspector is of the understanding that Comcare will be conducting enquiries into AFP's application of safety related reporting systems, therefore further exploration of the "Safeplace" system in this monitoring compliance activity has been suspended and instead referred onto the relevant Comcare area.

s 47E(d)

20. Based upon the information reviewed, the Inspector noted control measures implemented by AFP prior to the incident were,
s 47E(d)

s 47E(d)

21. The Inspector determined, from the information provided by AFP, that controls were in place prior to the incident and AFP implemented a system to detect the assess the risk of self-harm behaviour during the period of internal investigations.

POWER EXERCISED (if any)

Section of Act	Nature of Inspector action/decision
S155(2)(a)(b)	Notice to Obtain Information

COMPLIANCE STATUS OF PREVIOUSLY ISSUED NOTICES (if any)

Notice	Description	Status
S155(2)(a)(b)	Notice to Obtain Information	Complied

REPORT	Inspector:	s 22	Phone:	s 22
ISSUED BY	Email:	s 22 @comcare.gov.au	Region:	SA/NT
INSPECTOR'S SIGNATURE	Signature:		Date:	17/02/2021

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REVIEW OF DECISIONS

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PRIVACY STATEMENT

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- the Safety, Rehabilitation and Compensation Commission
- a court or tribunal
- state or territory work health and safety regulatory agencies
- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
- any other person assisting Comcare in the performance of its functions or exercise of its powers, including contractors and consultants
- any other person where there is an obligation under law to do so (for example but not limited to, responding to the direction of a court to produce documentation).

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INSPECTOR REPORT

COMCARE REFERENCE	MC00024518	Report No.	#1
PCBU DETAILS	Name Address ABN ACN	Australian Federal Police (AFP) GPO Box 401, CANBERRA, ACT 17864931143	
REPORT ISSUED TO	Name Position	s 47F WHS ADVISOR, PEOPLE AND CULTURE COMMAND	
COPY OF REPORT GIVEN TO	Name Position	s 47F Inspector (A) OPERATIONS - CENTRAL COMMAND, WESTERN AND CENTRAL COMMAND	
RELEVANT WORKPLACE/S OR WORKSITE	Name Address Date	s 47E(d) s 47E(d) South Australia (SA), 5950, N /A	
SENIOR INSPECTOR	Name	s 22 (the Inspector)	
OTHER PERSONS ATTENDING WITH INSPECTOR	Name Position	N/A	

PURPOSE

- On 9 November 2021 Comcare received written notification of an incident that occurred at s 47E(d), s 47E(d) SA, 5950, Australia (**the workplace**) on the same day. The notification stated, in part,

"An AFP Police Officer commencing duties entered the armoury in company with a work colleague to obtain accouchements (sic) for the shift. During the process of loading a firearm, an unauthorised discharge occurred in the load / unload bay. Further investigations have commenced."
- Another written notification was received by Comcare containing a statement from the worker involved in an unauthorised discharge of a firearm on 9 November 2021 (**the incident**). The notification stated, in part,

"I placed my Glock box onto the shelf inside the bay beneath the bullet trap receptacle and picked up my firearm and proceeded to remove my red plug. I visually inspected my firearm once the red plug was removed and with the preconceived intention to practise trigger application for an up and coming OSA (operational safety assessment) that is occurring tomorrow 10 November 2021, as I have not been able to arrange a range day before the OSA; I pointed my firearm in the safe direction, brought the firearm up to my eye sight, aligning my front and rear sights at the bullet trap, and depressed the trigger. It was to my shock that the firearm then made a loud audible, instead of the soft audible click which I was anticipating in my mind that a safe and unladed firearm would normally perform. "
- An Inspection MC00024518 (**the Inspection**) in relation to the incident commenced on 12 November 2021.
- The purpose of the Inspection is to assess compliance with the *Work Health and Safety Act 2011 (Cth)* (**WHS Act**) and *Work Health and Safety Regulations 2011 (Cth)* (**WHS Regulations**) in relation to the incident and with the following scope:

- a. Determine the circumstances and causal factor/s of the incident.
- b. Determine control measures pre and post incident.
- c. Determine appropriate regulatory action.

OUTCOMES

5. The AFP advised the following actions were completed post incident:
 - a. The Officer in Charge (OIC) Airport made the appropriate notifications to AFP senior management.
 - b. The OIC Airport ensured the armoury was secured.
 - c. All staff received formal debrief / counselling session from Shield Team Psychologist.
 - d. The OIC Airport arranged for the weapon clearing station to be removed and maintained as evidence to be investigated.
 - e. The OIC Airport arranged for the alternative weapons clearing station to be transferred from the AFP Headquarters, to maintain airport policing requirements and daily tasks.
 - f. PRS formal investigation commenced on the day of incident.
 - g. Firearm involved in the incident was removed and secured from staff and access to armoury was isolated.
 6. Based upon the review of the information and documents made available in the conduct of the Inspection the Inspector formed a reasonable belief that at the time of the incident AFP, as the Persons Conducting Business or Undertaking (PCBU)/Persons with Management Control (PVMC), did not comply with their duties under section 39 of the WHS Act – Duty to preserve incident sites.
 7. The Inspector is recommending to AFP to review and revise AFP 'WHSR Fact Sheet - Notifiable Workplace Incidents - WHSR F004 V1.1' (WHSR F004) and clearly state that all notifiable incidents are to be notified to Comcare via telephone as soon as is reasonably practicable, to ensure a decision/direction is obtained from Comcare inspector regarding whether the site of the incident may be disturbed. Refer to Inspector's observations below in #12, #13, #14 and #17.
 8. The incident is subject of an ongoing AFP Professional Standards (PRS) investigation – AFP 'Promis Integrity (PI) 109167', which is likely to be completed in the first quarter of 2022.
 9. The AFP PRS investigation is likely to identify:
 - a. Potential contributing factors to the incident.
 - b. Corrective actions/lessons learned.
- Future actions
10. Comcare will conduct a Verification Inspection in the first quarter of 2022 to:
 - a. Obtain a copy of AFP PRS investigation report.
 - b. Determine relevant contributing factors the incident.
 - c. Verify AFP systems of work in relation to the incident.
 - d. Verify AFP actions in relation to the Inspector's recommendation outlined in #7 above.

COMPLIANCE ASSESSMENT

11. AFP Adelaide Airport Office Armoury was a workplace in accordance Part 1 Division 3 Section 8 of the WHS Act as demonstrated by information and documents provided by AFP which verify that at the time of the incident:

- a. AFP workers were obtaining accoutrements at the workplace and conducting activities associated with preparation for their shift, including loading a firearm.
12. The AFP did not preserve the incident site in accordance with section 39 of the WHS Act and scene release was not provided by a Comcare Inspector. The AFP had submitted a written incident notification to Comcare however, a telephone call to Comcare inspector to obtain a direction on whether the site may be disturbed, was not made.
13. The AFP advised *"it was decided as reasonably practical to notify Comcare as a dangerous occurrence via electronic report submitting in order to maintain the appropriate level of policing of the Adelaide Airport"*.
14. The Inspector was not able to examine the incident site/scene before it was disturbed.
15. Based upon the information reviewed, the Inspector noted control measures implemented by the AFP prior to the incident were,
 - a. Annual firearm accreditation (**AFA**)
 - b. Secure double staff swipe for armoury access
 - c. Load / unload bay
 - d. Weapon clearing station
 - e. Personal Protective Equipment
 - f. Clearing instructions.
16. The AFP have provided the following information regarding AFA:
 - a. The AFA comprises of number of serials in assessing worker's capabilities and marksmanship (firearm/holster handling and a shooting range).
 - b. The AFA is part of the Operational Safety Assessment (**OSA**) which is governed by the AFP Commissioner's Order on Operational Safety (**CO3**) – current version is dated 11 December 2020. The Inspector sourced a version of CO3 from 2017 and noted that it states *"The OSA must include the following assessable items:*
 - i. *demonstrated knowledge of this Order, relevant powers, legislation and the Operational Safety Principles and Use of Force Model;*
 - ii. *a Firearms Handling Assessment with a relevant official firearm;*
 - iii. *the official Firearms Qualifying Assessment with a relevant official firearm and holster;*
 - iv. *use and maintenance of all of the AFP appointee's personally issued AFP equipment;*
 - v. *holistic scenario assessments focussing on practical interpretation of the Operational Safety Principles and cognitive reasons for choosing use of force options.*
 - c. The AFA/OSA is conducted annually and a successful completion of all elements of the OSA is required for workers to maintain/renew their operational safety qualifications.
 - d. The OSA use to be a 3-day assessment however, due to Covid 19 it has been reduced to a one-day assessment for the past 24 months.
 - e. There is an online training/information component which workers must complete before undertaking the OSA.
 - f. Workers must declare fitness for duty before undertaking the OSA (self-reporting).
 - g. A psychological assessment is not part of the OSA annual renewal of workers operational safety qualifications. Psychological evaluations are undertaken as part of worker's initial OSA however, there are no requirements for workers to undertake an annual psychological assessment as part of the OSA.
17. The AFP provided a copy of WHSR F004 and the inspector observed the following:
 - a. There are clear directions that *"A work related death must be immediately notified to Comcare by telephone (1300 366 979) and followed up in writing within 48 hours"* in sections 1.(a) and 2.(a) of WHSR F004.

- b. A direction to *"Call a Comcare inspector to obtain a decision and their direction on whether the site may be disturbed"* is also clearly stated in section 3. regarding the requirement not to disturb the site of a notifiable incident.
- c. There are no clear directions to immediately notify notifiable incidents to Comcare by telephone in:
 - i. The preliminary section of WHSR F004 (Immediate notification)
 - ii. Sections 1.(b), 2(b) and section 1.(c) regarding Serious Injury/Illness notifications & Dangerous Incident notifications. Refer to the recommendation outlined in #7 above.

18. No powers were exercised during the Inspection.

POWER EXERCISED (if any)

Section of Act	Nature of Inspector action/decision
None	Not exercised

COMPLIANCE STATUS OF PREVIOUSLY ISSUED NOTICES (if any)

Notice	Description	Status
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REPORT	Inspector:	s 22	Phone:	s 22
ISSUED BY	Email:	s 22 @comcare.gov.au	Region:	SA/NT
INSPECTOR'S SIGNATURE	Signature:	s 22	Date:	14/12/2021

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REVIEW OF DECISIONS

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INSPECTOR REPORT

COMCARE REFERENCE	MC00024518-VR01	Report No.	#1
PCBU DETAILS	Name Address ABN ACN	Australian Federal Police (AFP) GPO Box 401, CANBERRA, ACT 17864931143	
REPORT ISSUED TO	Name Position	s 47F A/Sgt – Professional Standards, Office of the Deputy Commissioner Operations, AFP	
COPY OF REPORT GIVEN TO	Name Position	s 47E(d) Work Health Safety (WHS) Advisor, Shield Central Command, AFP	
RELEVANT WORKPLACE/S OR WORKSITE	Name Address Date	s 47E(d) s 47E(d), Adelaide, South Australia (SA), 5950 9 November 2021	
INSPECTOR	Name	s 22 (the Inspector)	
OTHER PERSONS ATTENDING WITH INSPECTOR	Name Position	N/A	

PURPOSE

- On 9 November 2021 Comcare received written notification of an incident that occurred at s 47E(d), s 47E(d), Adelaide, SA, 5950 (the workplace) on the same day. The information in the written notification indicated "An AFP Police Officer commencing duties entered the armoury in company with a work colleague to obtain accoutrements (sic) for the shift. During the process of loading a firearm, an unauthorised discharge occurred in the load / unload bay (the incident). Further investigations have commenced."
- Comcare commenced an Inspection (the Inspection) in relation to this matter on 12 November 2021 (Ref: MC00024518).
- On 12 December 2021 Comcare issued an Inspector Report (the Report) for the Inspection, and the Report:
 - Outlined the Inspector's belief that at the time of the incident AFP, as the Persons Conducting Business or Undertaking (PCBU)/Persons with Management Control (PWMC), did not comply with their duties under section 39 of the WHS Act – Duty to preserve incident sites.
 - Recommended to AFP to review and revise AFP 'WHSR Fact Sheet - Notifiable Workplace Incidents - WHSR F004 V1.1' (WHSR F004) to ensure a decision/direction is obtained from Comcare inspector regarding whether the site of the incident may be disturbed.
 - Noted that an ongoing AFP Professional Standards (PRS) investigation – AFP 'Promis Integrity (PI) 109167' is likely to be completed in the first quarter of 2022.

- d. Informed AFP that a Verification Inspection MC00024518-VR01 (**Verification Inspection**) will commence by Comcare in the first quarter of 2022 to:
 - i. Obtain a copy of AFP PRS investigation report.
 - ii. Determine relevant contributing factors the incident.
 - iii. Verify AFP systems of work in relation to the incident.
 - iv. Verify AFP actions in relation to the Inspector's recommendation.
- 4. On 28 March 2022 Comcare commenced a Verification Inspection to assess compliance with the *Work Health and Safety Act 2011(Cth)* (**WHS Act**) and *Work Health and Safety Regulations 2011 (Cth)* (**WHS Regulations**).

OUTCOMES

- 5. AFP have reviewed and revised WHSR F004 in April 2022 and June 2022 - The title of this document was changed to 'Factsheet - Notifiable Workplace incidents' (**FSNWI**). The Inspector concluded that the amendments proposed in June 2022 revision provide additional clarity to AFP workers in relation to incident site/scene preservation and/or obtaining site/scene release from Comcare inspector (Refer to additional observations in #11 below).
- 6. AFP have conducted PRS investigation and have produced the PRS Findings of Fact Investigation Report (**FOFIR**) – in FOFIR the AFP investigating officer:
 - a. Concluded that:
 - i. The circumstances of the incident “*meet the definition of ‘unauthorised discharge’ provided by CO3*” (AFP Commissioner's Order on Operational Safety).
 - ii. The conduct of AFP worker involved in the incident (**the AFP worker**) amounted to a breach of section 8.2 of the AFP Code of Conduct.
 - b. Identified “*a number of significant factors which display a lack of care and due diligence*” by the AFP worker which contributed to the incident.
 - c. Presented a ‘Natural Justice Response’ (**NJR**) from the AFP worker which outlined her view of the factors which contributed to the incident.
 - d. Outlined recommendations for improvement to prevent a recurrence of the incident.
- 7. Based upon the review of FSNWI and FOFIR the Inspector formed a reasonable belief that AFP complied with their duties under the WHS Act/WHS Regulations in relation to the incident.
- 8. While the Inspector is satisfied that AFP have complied with their duties under the WHS Act/WHS Regulations, the Inspector concluded that the AFP annual Operational Safety Assessment (**OSA**) requalification for AFP workers, as one of AFP's risk control measures designed to manage risks to health and safety, may not have been maintained, reviewed or revised in accordance with Regulations 37 and 38 of the WHS Regulations. This conclusion was based on the observation that AFP workers ability to train/practice under supervision of an Operational Safety Trainer/s (**OST**) on a firing range, to meet AFP's Annual Firearm Accreditation (**AFA**)

requirements and pass annual OSA requalification, was not available or was very limited to AFP workers at the workplace during the COVID-19 epidemic in Australia – refer to #12.b. and #13.a.v. below.

9. The Inspector is reminding AFP that their duties pertaining to WHS regulations 37 and 38 must be met in relation to OSA requalification (and any other relevant risk controls at the workplace - i.e. managing stress, managing fatigue and managing staffing levels due to absence), by ensuring the risk controls are:
 - a. Effective, in place, and used.
 - b. Reviewed and as necessary revised.
 - c. The risk of injury to workers and others is minimised so far as is reasonably practicable.
10. The Inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that AFP have exercised due diligence to ensure the application and ongoing effectiveness of their controls.

COMPLIANCE ASSESSMENT

s 47E(d)

s 47E(d)

s 47E(d)

s 47E(d)

15. No powers were exercised during the Verification Inspection.

POWER EXERCISED (if any)

Section of Act	Nature of Inspector action/decision
None	Not exercised

COMPLIANCE STATUS OF PREVIOUSLY ISSUED NOTICES (if any)

Notice	Description	Status
1. s1552ab-request-MC00024518-VR01-NT01	S 155 - s1552ab-request	None
2. s1552ab-request-MC00024518-VR01-NT02	S 155 - s1552ab-request	Complied

REPORT	Inspector:	s 22	Phone:	s 22
ISSUED BY	Email:	s 22 @comcare.gov.au	Region:	SA/NT
INSPECTOR'S SIGNATURE	s 22 Signature:		Date: 5/07/2022	

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INSPECTOR REPORT

COMCARE REFERENCE	MC00016393	Report No.	01
PCBU DETAILS	Name Address ABN ACN	Australian Federal Police GPO Box 401, CANBERRA, ACT 17864931143	
REPORT ISSUED TO	Name Position	s 47F Work Health and Safety Advisor (AFP Southern Command)	
COPY OF REPORT GIVEN TO	Name Position	s 47F Building Maintenance CFO - AFP	
RELEVANT WORKPLACE/S OR WORKSITE	Name Address Date	s 47E(d) Melbourne, Victoria 3000 N/A	
INSPECTOR	Name	s 22	
OTHER PERSONS ATTENDING WITH INSPECTOR	Name Position	N/A	

PURPOSE

- The purpose of the Inspection is to assess compliance with the *Work Health and Safety Act 2011 (WHS Act)* and *Work Health and Safety Regulations 2011 (Cth) (WHS Regulations)* in relation to the incident (**the incident**).
- On 25 March 2020, Comcare received a telephone notification of an incident that occurred at the Australian Federal Police (AFP) offices at s 47E(d) on 24 March 2020. The person making the notification stated, in part,
"that a person had received an electric shock when operating an electrical light switch, which had made a crackling sound"
- Comcare received written notification of the incident on 31 March 2020. The delay in providing the written notification appears to have been due to an administrative glitch within the AFP.
- An Inspection (the Inspection) in relation to the incident commenced on 30 March 2020.

OUTCOMES

- Based upon the review of the information made available in the conduct of the Inspection,
 I formed a reasonable belief that the Australian Federal Police (AFP) being the Person Conducting a Business or Undertaking at s 47E(d) complied with their duties under the WHS Act/WHS Regulations with respect to the scope of this inspection.

6. The inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the PCBU has exercised due diligence to ensure the application and ongoing effectiveness of the controls that have been referred to in this report.

While I am satisfied that this constitutes an appropriate response, the PCBU must now ensure that the duties pertaining to WHS regulations 37 and 38 are met and that risks are either eliminated, and if not possible to do so, are reduced so far as reasonably practicable

COMPLIANCE ASSESSMENT

7. I did not attend, s 47E(d) Melbourne, in the conduct of the Inspection.
8. The location was a workplace in accordance Part 1 Division 3 Section 8 of the WHS Act as the building is the Melbourne head quarters of the Australian Federal Police. The building however, is an asset of the Mirvac Corporation and is managed via Jones Lang LaSalle Inc (JLL). Accordingly, the inspection focused on the processes that the AFP has in place to ascertain that the electrical infrastructure within the building is being inspected and tested/maintained by the building manager (JLL).
9. The AFP provided the following information in relation to the systems in place to ascertain the state of the electrical infrastructure within s 47E(d) The building manager (JLL) advised that the electrical infrastructure within the building had been subject to an upgrade project carried out over an extended period prior to the incident. The project involved the installation of residual current devices (RCDs) on all lighting and power circuits within the building. Two Certificates of Electrical Safety were provided to the inspector, dated 31 March and 6 April 2020 as well as a schedule of RCD testing for s 47E(d) dated 31 March 2019. It would appear from this information that the electrical infrastructure has been upgraded to minimise the electrical safety risks to persons from the AFP that work within the building.
10. The AFP also provided a document listing the electrical testing of appliances at s 47E(d) The testing being undertaken in May and June of 2019 and indicating that the testing scheduled to re-occur in May/June 2020.
11. The building manager also advised that Mirvac had previously undertaken a thermoscan of the building in 2019 and that JLL intended to undertake a similar process in May 2020. Also, that this was part of the preventative maintenance program that JLL had in place for the building and its infrastructure. The inspector notes that thermoscanning of electrical switch boards and devices is an available technology to identify over heating electrical circuits and components and thereby pre-empt faults.
12. In relation to the light switch that gave rise to the notification, the inspector notes that the RCD for the circuit that the switch was part of did not trip as a result of the incident. However, as a precaution the switch has been replaced.
13. Based upon the information reviewed, I believe that the AFP have systems in place via its interactions with the building manager for s 47E(d) to ensure that the electrical infrastructure is inspected and tested, in order to minimise the electrical safety risks to persons from the AFP that work within the building.

POWER EXERCISED (if any)

Section of Act	Nature of Inspector action/decision
None	Not exercised

COMPLIANCE STATUS OF PREVIOUSLY ISSUED NOTICES (if any)

Notice	Description	Status
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REPORT	Inspector:	s 22	Phone:	s 22
ISSUED BY	Email:	s 22 @comcare.gov.au	Region:	VIC/TAS
INSPECTOR'S SIGNATURE	Signature:	s 22	Date:	14.04.2020

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- a court or tribunal
- state or territory work health and safety regulatory agencies
- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
- any other person assisting Comcare in the performance of its functions or exercise of its powers, including contractors and consultants
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INSPECTOR REPORT

COMCARE REFERENCE	MC00024417	Report No.	01
PCBU DETAILS	Name Address ABN ACN	Australian Federal Police GPO Box 401, CANBERRA, ACT, 2601, 17864931143	
REPORT ISSUED TO	Name Position	s 47F WHS Advisor	
COPY OF REPORT GIVEN TO	Name Position	N/A	
RELEVANT WORKPLACE/S OR WORKSITE	Name Address Date	s 47E(d)) s 47E(d) 2/11/2021	
INSPECTOR	Name	s 22	
OTHER PERSONS ATTENDING WITH INSPECTOR	Name Position	s 22 Assistant Director	

PURPOSE

- The purpose of the Inspection is to assess compliance with the *Work Health and Safety Act 2011 (WHS Act)* and *Work Health and Safety Regulations 2011 (Cth) (WHS Regulations)* in relation to the incident (**the incident**).
- On 2/11/2021 Comcare received notification of an incident that occurred at Australian Federal Police (AFP) s 47E(d)) on 2/11/2021. The notification stated, in part,
"About 5:38am s 47F attended work at s 47E(d) and was preparing for duty. s 47F was in the s 47E(d) and loaded his firearm in the second load/unload bay of the armoury. During this time, s 47F accidentally discharged his AFP issued firearm."
- Comcare received written notification of the incident on 2/11/2021.
- An Inspection (the Inspection) in relation to the incident commenced on 15/11/2021.

OUTCOMES

- Based upon the review of the information made available in the conduct of the Inspection to date, I am unable to form a reasonable belief that the Australian Federal Police complied with their duties under the WHS Act and WHS Regulations with respect to the scope of this Inspection.

6. It is understood that a Professional Standards (PRS) Investigation is currently being conducted by the AFP regarding the incident, Comcare will conduct a Verification Inspection in approximately 2 months in order to obtain the findings of the AFP Investigation.
7. Upon receipt of the findings, it is likely I will be able to determine whether there are any contraventions of the WHS Act or Regulations and therefore identify relevant remedial actions required for compliance.

COMPLIANCE ASSESSMENT

8. I attended s in the conduct of the Inspection through voluntary agreement. The site visit to was conducted as an announced Inspection.
9. The location was a workplace in accordance Part 1 Division 3 Section 8 of the WHS Act as demonstrated by:
 - a. The location being a place where workers of the Australian Federal Police go, or are likely to be, while at work (i.e. undertaking operations of AFP)
10. Based upon the information reviewed, I noted control measures implemented by the PCBU prior to the incident were,
 - a. Initial Operational Safety Assessment
 - b. Annual Operational Safety Assessment
 - c. The AFP Commissioner's Order on Operational Safety (CO3)
 - d. Firearm safety notice documentation

POWER EXERCISED (if any)

Section of Act	Nature of Inspector action/decision
None	Not exercised

COMPLIANCE STATUS OF PREVIOUSLY ISSUED NOTICES (if any)

Notice	Description	Status
		None

REPORT	Inspector:	s 47E(d)	Phone:	s 47E(d)
ISSUED BY	Email:	s 47E(d) @comcare.gov.au	Region:	VIC/TAS
INSPECTOR'S SIGNATURE	s 47E(d) Signature:		Date: 28/01/2022	

DISCLAIMER

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Comcare does not accept liability for any errors or omissions or for any loss or damage suffered by you or any person which arises from your reliance on this report or for any breach by you of your obligations under the WHS Act. Where a Comcare Inspector has inspected a particular workplace is not a representation by Comcare that the particular workplace is in any way free of hazards.

NEED HELP?

Contact the Inspector to discuss any aspect of this Inspector Report. The Inspector should be contacted if you wish to view photographs, documents or other evidence taken by the Inspector if they attended your workplace.

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REVIEW OF DECISIONS

Where a Decision Maker Review is unsatisfactory, the recipient of the report should seek independent legal advice on review rights.

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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00024417-VR01
PCBU DETAILS	Name: Australian Federal Police ABN: 17864931143
REPORT ISSUED TO	Name: s 47F Position: Professional Standards Melbourne
BACKGROUND	
<ol style="list-style-type: none"> On 2 November 2021, Comcare received notification from Australian Federal Police (AFP) of an incident, namely, an accidental discharge of a firearm in the loading/unloading bay of the armoury in Tullamarine on 2 November 2021. On 15 November 2021, Comcare commenced an inspection under MC00024417 in relation to the incident. On 28 January 2022, Comcare issued an Inspector Report for MC00024417, noting the following remedial action to be undertaken by AFP and advising that a Verification Inspection would be undertaken: <ol style="list-style-type: none"> AFP was to conduct a Professional Standards (PRS) Investigation On 18 May 2023, Comcare commenced a Verification Inspection to monitor AFP's progress against the remedial actions identified in Inspector Report MC00024417 and to assess compliance with the Work Health and Safety Act 2011 (Cth) (WHS Act) and Work Health and Safety Regulations 2011 (Cth) (WHS Regulations). 	
OUTCOMES	
<ol style="list-style-type: none"> I formed a reasonable belief that the Worker has not complied with their duties under s28 of the WHS Act. Refer to the reasons set out in paragraphs 9. Furthermore, based upon the review of the information provided during the conduct of the Verification Inspection, I formed a reasonable belief that AFP complied with their duties under the WHS Act and WHS Regulations under s19. The Verification Inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that AFP has ensured the control measures are effective and are maintained so that they remain effective. 	
COMPLIANCE ASSESSMENT	
<ol style="list-style-type: none"> I determined a site visit was not necessary to examine the remedial actions at paragraph 3 and sufficient information was able to be obtained through the use of statutory powers. <p>s 47E(d)</p>	



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s 47E(d)

16. I, therefore, formed a reasonable belief that while the Worker did not comply with their duties under the WHS Act, I am satisfied that the AFP complied with their duties under the WHS Act and WHS Regulations under s19(3)(a).

REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s
	Email	s 22 @comcare.gov.au
	Phone	s 22
	Date	23 June 2023
	Signature	s 22

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IF YOU DO NOT AGREE WITH A DECISION



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Comcare may also need, in accordance with the Privacy Act 1988, and subject to confidentiality of information provisions under the WHS Act, to collect your personal information from, and disclose your personal information to, a number of parties, including but not limited to:

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- a court or tribunal
- state or territory work health and safety regulatory agencies
- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
- any other person assisting Comcare in the performance of its functions or exercise of its powers, including contractors and consultants
- any other person where there is an obligation under law to do so (for example but not limited to, responding to the direction of a court to produce documentation).

It is unlikely Comcare will provide personal information to anyone in an external territory or outside Australia, unless the information relates to an incident, investigation, injury or illness sustained while overseas, or treatment provided by an overseas practitioner. If disclosure of personal information is made to someone overseas, Comcare will follow the Australian Privacy Principles that relate to disclosure to overseas entities.

Accuracy of personal information. Comcare wants to ensure personal information is up to date and complete. Our Privacy Policy explains how to access personal information held about you and how to go about making any corrections.

Complaints. If you think Comcare has interfered with or breached your privacy (relevant to the Privacy Act 1988), our Privacy Policy contains information about what you should do and how we will respond.



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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00028454
PCBU DETAILS	Name: Australian Federal Police ABN: 17864931143 ACN:
REPORT ISSUED TO	Name: s 47F Position: WHS Advisor – Professional Standards AFP Cc:
BACKGROUND	
<ol style="list-style-type: none"> On 15th September 2022 Comcare received information regarding an incident that occurred at the Australian Federal Police (AFP) in s 47F Comcare commenced an inspection in relation to this matter on 27th October 2022 to monitor and enforce compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act) and the <i>Work Health and Safety Regulations 2011</i> (Cth) (WHS Regulations). The scope of the inspection is to inspect the Australian Federal Police management of risks relating to a workplace bullying and harassment claim at Perth WA. The inspection will identify if the Australian Federal Police has policies and procedures on Workplace Bullying and Harassment and how these policies and procedures were applied in this claim. The risk/s to health and safety identified during the inspection was psychological injury. 	
OUTCOMES	
<ol style="list-style-type: none"> Based on the information reviewed during the inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection. 	
Information and advice	
<ol style="list-style-type: none"> The PCBU being the Australian Federal Police (AFP) must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. PCBUs should have regard to Part 3.1 of the WHS Regulations and the <i>Code of Practice: How to Manage Work Health and Safety Risks</i> when managing risks to health and safety. The PCBU must 	

monitor and maintain control measures, particularly any interim controls, to ensure that they remain in use and effective.

7. The inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that (duty holder) has ensured the control measures are, and are maintained so that they remain, effective.

COMPLIANCE ASSESSMENT

8. I determined a site visit was not necessary to examine the allegation raised by the complainant and sufficient information was able to be obtained through the use of statutory powers).

s 47E(d)

11. Based on this assessment I reasonably believe that the Australian Federal Police is meeting its obligations with the Work Health and Safety Act 2011, has policy, training and procedures to safely manage psychosocial issues within the workplace and the inspection is now closed.

REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s
	Email	s 22 @comcare.gov.au
	Phone	s 22
	Date	03-02-2023
	Signature	s 22

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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00034035
PCBU DETAILS	Name: Australian Federal Police (AFP) ABN: 17864931143
REPORT ISSUED TO	Name: s 47F Position: Team Leader Injury Prevention Operations
BACKGROUND	
<ol style="list-style-type: none"> On 7 March 2024, Comcare received information regarding an incident that occurred at AFP in the Melbourne office. The information indicated an unintentional detonation of ammunition leading to a damaged cartridge in a cash tin, which was stored within a padded pelican case. Comcare commenced an inspection in relation to this matter on 15 March 2024 to monitor and enforce compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act) and the <i>Work Health and Safety Regulations 2011</i> (Cth) (WHS Regulations). The scope of the inspection was: <ol style="list-style-type: none"> Determine the circumstances and causal factor/s of the incident. Determine the control measures and whether they were reasonably practicable to eliminate or control the risks. Determine PCBU compliance/non-compliance with the WHS Act. 	
OUTCOMES	
<ol style="list-style-type: none"> Based on the information reviewed during the inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection. While I formed the reasonable belief that AFP did not breach its WHS duties, I note that AFP identified potential risks and hazards associated with storage of munitions when travelling. For improvement, AFP is reviewing its procedures and specific guidelines on handling and storage of ammunition while traveling and considering clearer and more succinct guidance on packing ammunition to be provided to all operational AFP staff. The inspection is now closed, however, control measures should be implemented as soon as possible, therefore, Comcare will conduct a Verification Inspection in approximately three months to verify implementation of these measures as stated in paragraph 13. 	



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7. Should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that AFP has ensured the control measures are effective and are maintained so that they remain effective.

COMPLIANCE ASSESSMENT

8. I attended the site at s 47E(d) in Melbourne in the conduct of the inspection on 27 March 2024. The site visit was conducted as an announced inspection. I undertook actions to make relevant Health and Safety Representatives aware of my attendance at the workplace to afford them the opportunity to engage in the inspection process.
9. In the process of my inspection, I also obtained information from AFP, which identified:
 - a. The causal factors included:
 - i. Loosely stored ammunition, stored with a provided cash tin.
 - ii. The member followed the procedure for handling and storage of firearms and cartridges as per the Better Practice Guide on Carriage of Dangerous Goods on airlines within Australia, which specifies “...all ammunition needs to be packaged in a secondary locked container, such as a lockable cash box, inside the primary pelican case”.
 - iii. The primer shows markings consistent with being struck with the rim of another round of ammunition and as such, the round has operated as designed.
 - iv. Cash tin specifications are not fit for purpose.
10. During the site inspection, AFP indicated that while the cash tin is not an approved container as per National Guide on controlled items, it is issued to new recruits as a standard practice.
11. AFP also noted that the procedures and guidelines in regards to storage of ammunition for travelling are inconsistent with the National Guidelines vs the Better Practice Guide on Carriage of Dangerous Goods on airlines.
12. AFP contacted Winchester (the manufacturer), who indicated no manufacturer’s fault.
13. Following the incident, AFP has identified potential risks and hazards associated with storage of munitions when traveling and is considering improvement to the system and policy guidance to be implemented as below:



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- a. *The procedures on handling and storage of ammunition while travelling to be reviewed and updated with clear and specific guidelines.*
- b. *Clearer and more succinct guidance on how to correctly pack ammunition to be provided to all operational AFP members by the National Armoury Team through the Operations Safety Committee including education on appropriate packing and provision of appropriate lock boxes.*

14. AFP's investigation report #33282 indicate corrective actions were identified to assist in reducing risk of similar incident/injury and implementation is in progress with expected completion date of 30 May 2024.

15. Based on the information reviewed, the findings and the improvements identified in relation to potential risks and hazards associated with storage and traveling with ammunition, I am satisfied the AFP had not contravene its duties under the WHS Act. However, as improvements are stated in paragraph 13 and in AFP investigation report # 33282 has been identified, Comcare will conduct a verification inspection with three months to verify the implementation of the improvements.

16. This inspection is now closed.

REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s
	Email	s 22 @comcare.gov.au
	Phone	s 22
	Date	24/04/2024
	Signature	s 22



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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00034035-VR01
PCBU DETAILS	Name: Australian Federal Police ABN: 17864931143
REPORT ISSUED TO	Name: s 47F Position: Work Health Safety Advisor
BACKGROUND	
<ol style="list-style-type: none"> 1. On 7 March 2024, Comcare received notification of an incident, which involved the unintentional discharge of a loose round in a cash tin at s 47E(d), Victoria on 6 March 2024. 2. On 15 March 2024, Comcare commenced an inspection under MC00034035 in relation to the incident. 3. On 24 April 2024, Comcare issued an Inspector Report for MC00034035 noting the following remedial action to be undertaken by Australian Federal Police (AFP) and advising that a Verification Inspection would be undertaken: <ol style="list-style-type: none"> a. The procedures on handling and storage of loose ammunition while travelling to be reviewed and updated with clear and specific guidelines. b. Clearer and more succinct guidance on how to correctly pack loose ammunition to be provided to all operational AFP members by the National Armoury Team through the Operations Safety Committee including education on appropriate packing and provision of appropriate lock boxes. 4. On 21 June 2024, Comcare commenced a Verification Inspection to monitor AFP's progress against the remedial actions identified in Inspector Report MC00034035 and to assess compliance with the Work Health and Safety Act 2011 (Cth) (WHS Act) and Work Health and Safety Regulations 2011 (Cth) (WHS Regulations). 	
OUTCOMES	
<ol style="list-style-type: none"> 5. Based on the information reviewed during the Verification Inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection. 6. AFP must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. AFP should have regard to Part 3.1 of the WHS Regulations and the <i>Code of Practice: How to Manage Work Health and Safety Risks</i> when 	



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managing risks to health and safety. AFP must monitor and maintain control measures, particularly any interim controls, to ensure that they remain in use and effective.

7. The Verification Inspection is now closed, however, should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that AFP has ensured the control measures are effective and are maintained so that they remain effective.

COMPLIANCE ASSESSMENT

8. I determined a site visit was not necessary to examine the remedial actions at paragraph 3 and sufficient information was able to be obtained voluntarily.
9. In the information provided by AFP, I observed and noted the following during the Verification Inspection:
 - a. On 8 August 2024, AFP sent out a communication to inform staff of proposed changes to the National Guideline on Controlled Items, to the Better Practice Guide on Carriage of Dangerous Goods and The Authorised Equipment Register.
 - b. On 10 September 2024, AFP confirmed via email that a new Pelican Ruck Case for use of ammunition storage when travelling had been considered fit for purpose and a bulk order was to be placed. Photos of the case and how it is used were provided.
 - c. On 30 September 2024, in an email, AFP stated that the previous storage policy is no longer in use (i.e. use of cash tins to store ammunitions) and the Authorised Equipment Register was updated to include the Pelican R40 Utility Ruck Case.
 - d. On 8 November 2024, AFP provided an updated version dated 8 August 2024 of the Better Practice Guide on Carriage of Dangerous Goods document which includes clearer guidelines regarding traveling with ammunition.
 - i. *Ammunition needs to be stored in an Operations Safety Committee (OSC) APPROVED LOCKED (container with cushioning) and no loose rounds.*
 - e. On 8 November 2024, AFP via email stated that The National Guideline on Controlled Items remains under review and the current version dated 25 October 2024 had been updated to reflect the Minimum Transport and Storage Requirements for Personal Issued Controlled Items.
10. Based on this assessment, I am satisfied AFP has actioned the remedial actions identified in the Inspector Report for MC00034035, and I did not identify any non-compliance with



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the WHS Act/WHS Regulations with respect to the scope of the inspection and the Verification Inspection is now closed.

REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s
	Email	s 22 @comcare.gov.au
	Phone	s 22
	Date	29 November 2024
	Signature	s 22



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- the Safety, Rehabilitation and Compensation Commission
- a court or tribunal
- state or territory work health and safety regulatory agencies
- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00034669
PCBU DETAILS	Name: Australian Federal Police ABN: 17864931143
REPORT ISSUED TO	Name: s 47F Position: WHS Advisor
BACKGROUND	
<ol style="list-style-type: none"> On 8 May 2024, Comcare received information regarding an incident that occurred at s Melbourne on 29 April 2024. The information indicated that an ⁴⁷ Australian Federal Police (AFP) member entered the Property and Exhibits (P&E) High Value Vault as per normal duties and noticed an exhibit was leaking and the floor had stained. Comcare commenced an inspection in relation to this matter on 17 May 2024 to monitor and enforce compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act) and the <i>Work Health and Safety Regulations 2011</i> (Cth) (WHS Regulations). The scope of the inspection was to inspect AFP's management of risk of exposure to hazardous substances in exhibit vaults. 	
OUTCOMES	
<ol style="list-style-type: none"> Based on the information/documents reviewed during the inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection. 	
Information and advice	
<ol style="list-style-type: none"> AFP must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. PCBUs should have regard to Part 3.1 of the WHS Regulations and the <i>Code of Practice: How to Manage Work Health and Safety Risks</i> when managing risks to health and safety. AFP must monitor and maintain control measures, particularly any interim controls, to ensure that they remain in use and effective. Learnings regarding control measures as a result of the inspection should be applied across the organisation where applicable. The inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that AFP has 	



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ensured the control measures are effective and are maintained so that they remain effective.

COMPLIANCE ASSESSMENT

8. In the company of another inspector, I attended s 47E(d) in the conduct of the inspection. The site visit was conducted as an announced inspection. I undertook actions to make relevant Health and Safety Representatives aware of my attendance at the workplace to afford the opportunity to engage in the inspection process. I was accompanied by the relevant Health and Safety Representative.
9. Additional information was able to be obtained through the use of statutory powers.
10. In AFP's response to the s155 request, I note:
s 47E(d)



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s 47E(d)

13. During the site visit, I discussed causal factors for the incident with the AFP members in attendance. I was advised that AFP moved into the building in February 2023. It was subsequently discovered that the dimensions of the pallet bunding exceeded the footprint of the goods lift. The vault is located on the third floor and AFP members use the goods lift to transport palletised exhibits to the ground floor loading area when they are to be destroyed. I was advised that in relation to this incident, the bunding was removed the day prior to prepare for exhibit destruction.

s 47E(d)



Aus

s 47E(d)

15. Resources and control measures in place were reasonably practicable to eliminate or control the risk.

16. Based on a review of the documents received, information provided, and discussions held during the site visit, I have formed a reasonable belief that AFP did not contravene the WHS Act 2011 and WHS Regulations with respect to the scope of this inspection. The inspection is now closed.

REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s
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	Date	26/07/2024
	Signature	s 22



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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00034760
PCBU DETAILS	Name: Australian Federal Police ABN: 17864931143
REPORT ISSUED TO	Name: s 47F Position: WHS Advisor
BACKGROUND	
<ol style="list-style-type: none"> On 16th May 2024, Comcare received information regarding an incident that occurred at the Australian Federal Police, s 47E(d) VIC 3000 on the same day. The information indicated that an Australian Federal Police worker was tidying cables under a desk, received an electric shock and sustained no injuries. Comcare commenced an inspection in relation to this matter on 23rd May 2024 to monitor and enforce compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act) and the <i>Work Health and Safety Regulations 2011</i> (Cth) (WHS Regulations). The scope of the inspection was to monitor Australian Federal Police's management of electrical risks. The risk to health and safety identified during the inspection was probable electrical fire shock or burn to persons coming into contact with live and unsafe electrical equipment in the workplace. 	
OUTCOMES	
<ol style="list-style-type: none"> Based on the information reviewed during the inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection. 	
Information and advice	
<ol style="list-style-type: none"> The PCBU being the Australian Federal Police (AFP) must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. PCBUs should have regard to Part 3.1 of the WHS Regulations and the <i>Code of Practice: How to Manage Work Health and Safety Risks</i> when managing risks to health and safety. The PCBU must 	



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monitor and maintain control measures, particularly any interim controls, to ensure that they remain in use and effective.

7. In relation to this matter, the Australian Federal Police should consider the following:
 - a. Routinely inspect building electrical outlets and switches for potential hazardous electrical issues (Fire or Shock) from damage, wear or age and have them replaced/repared by a competent person (Licenced Electrician) to prevent electrical risks
 - a. Managing Electrical Risks in the Workplace Code of Practice 2015.
8. Learnings regarding control measures as a result of the inspection should be applied across the organisation where applicable.
9. The inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the Australian Federal Police has ensured the control measures are effective and are maintained so that they remain effective.

COMPLIANCE ASSESSMENT

10. I determined a site visit was not necessary to examine the incident scene and sufficient information was able to be obtained voluntarily.
11. Based on the information reviewed, control measures implemented by the Australian Federal Police prior in relation to the risk were:
 - b. Regular testing and tagging of electrical equipment by a competent person to ensure electrically safe for use
 - c. General Power Outlets (GPO) are protected by a Residual Current Device (RCD) and are routinely tested by a competent person (Licenced Electrician).
12. A soft wiring issue was identified and the use of non-compliant electrical equipment was detected by a licenced electrician. The electrical equipment and wiring was upgraded to be compliant.
13. The injured worker advised they sustained minor affects without requiring medical intervention.
14. A request for additional information indicates that the AFP has ensured electrical equipment, outlets, GPO's and RCD's are compliant with Electrical Safety requirements in the workplace.



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15. In relation to this incident, AFP has issued the following the following Safety Alerts to address identified issues:

- a. A Safety Alert was distributed throughout the JLL management teams
- b. A Safety Alert was circulated to Southern Command AFP including contractors.

16. Based on this assessment I did not identify any non-compliance with the WHS Act or Regulations with respect to the scope of this inspection and the inspection is now closed.

REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s
	Email	s 22 @comcare.gov.au
	Phone	s 22
	Date	05-07-2024
	Signature	s 22



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- enforcement agencies or bodies
- state and territory Coroners
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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00036165
PCBU DETAILS	Name: Australian Federal Police ABN: 17864931143 ACN:
REPORT ISSUED TO	Name: s 47F Position: WHS Advisor – Southern Command Cc:
BACKGROUND	
<ol style="list-style-type: none"> On 24 September 2024, Comcare received information regarding an incident that occurred at the s 47E(d) located at s 47E(d), Victoria, on 23 September 2024, involving Australian Federal Police (AFP) members. Following the initial incident notification, Comcare received what appeared to be an internal AFP incident notification where a member alleged that several workers were exposed to methamphetamine particles during the recovery and disposal activity. Comcare commenced an inspection in relation to this matter on 4 October 2024, to monitor and enforce compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act) and the <i>Work Health and Safety Regulations 2011</i> (Cth) (WHS Regulations). The scope of the inspection was to determine whether the existing controls for the recovery and disposal of methamphetamine stocks were adequate to prevent the risk of harmful exposure, as far as is reasonably practicable. The risk to health and safety identified during the inspection was risk of workers being exposed to harmful chemical substance (methamphetamine) during the recovery and disposal process. 	
OUTCOMES	
<ol style="list-style-type: none"> Based on the information reviewed during the inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection. 	
Information and advice	
<ol style="list-style-type: none"> The PCBU must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. PCBUs should have regard to Part 3.1 of the WHS Regulations and the <i>Code of Practice: How to Manage Work Health and Safety Risks</i> when 	



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managing risks to health and safety. The PCBU must monitor and maintain control measures, particularly any interim controls, to ensure that they remain in use and effective.

7. With respect to use of hand/power tools in the workplace, AFP should consider the following:
 - a. **Develop a plant register.** A plant register helps prevent accidents and maintains health and safety in the workplace by keeping an inventory of all equipment and machinery. Its purpose is to ensure compliance with safety regulations, scheduling of regular maintenance, and to facilitate risk assessments.
 - b. Work Health and Safety (How to Manage Work Health and Safety Risks) Code of Practice 2015
 - c. Work Health and Safety (Managing Risks of Plant in the Workplace) Code of Practice 2015
8. Learnings regarding control measures as a result of the inspection should be applied across the organisation where applicable.
9. The inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that AFP has ensured the control measures are effective and are maintained so that they remain effective.
10. Comcare draws the PCBU's attention to their duties to consult, so far as is reasonably practicable, with workers and HSRs on work health and safety matters. Comcare encourages PCBUs to share inspector reports, or to provide access to relevant content or information regarding hazards and associated risks, with their workers, including HSRs. PCBUs must, so far as is reasonably practicable, 'consult with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to work health or safety' (s 47).
11. Compliance with this duty may be assisted by sharing health and safety information from inspector reports with relevant workers and/or their representatives. PCBUs should also note that HSRs are empowered to receive information relevant to their work groups, and that as a function of their role, may request access to inspector reports, or relevant information within them. Comcare encourages PCBUs to have regard to their consultation duties, and to their obligations to HSRs under the WHS Act when responding to such requests (see ss 49, 70(1)(a), 70(1)(c), 71 and 79(3)).



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COMPLIANCE ASSESSMENT

12. I determined a site visit was not necessary to examine the incident scene and sufficient information was able to be obtained through the use of statutory powers.

s 47E(d)

14. Following the review of information provided during this inspection, I noted that AFP had number of reasonably practicable controls in place to mitigate the risk of worker exposure to methamphetamine during recovery and disposal process.

15. In the meeting held with AFP representatives on 25 February 2025, I made number of recommendations that would assist AFP in ensuring that their system of work is and remains effective (see paragraph '7').

s 47E(d)



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tools during the activity. Supervision by the forensic staff was maintained at all times during the activity thus minimising likelihood of improper handling of power tools and potential for injury.

18. During the inspection, I haven't found any evidence that would suggest that workers were inadvertently affected by the exposure to methamphetamine airborne particles while in the process of recovery of concealed methamphetamine stocks. Throughout the entirety of the process workers wore P2 masks and gloves while the substance remained in its concealed wrappings maintaining its crystalline form, therefore minimising the likelihood of this occurrence.
19. Furthermore, there was no record that of any of the workers who experienced ill symptoms sought medical assistance and as such there is no evidence to suggest that methamphetamine exposure was the cause of the symptoms experienced by the workers nor that their condition was a result of AFP business or undertaking .
20. Based on this assessment I have formed a reasonable belief that AFP did not contravene WHS Act and WHS Regulations with respect to this incident and the inspection is now closed.

REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s
	Email	s 22 @comcare.gov.au
	Phone	s 22
	Date	4 April 2025
	Signature	s 22



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INSPECTOR REPORT

COMCARE REFERENCE	MC00017877	Report No.	1
PCBU DETAILS	Name Address ABN	Australian Federal Police GPO Box 401, CANBERRA, ACT 17 864 931 143	
REPORT ISSUED TO	Name Position	s 47F Work Health Safety Advisor - Australian Federal Police	
COPY OF REPORT GIVEN TO	Name Position	s 47F Officer in Charge, Cocos (Keeling) Islands, Australian Federal Police	
RELEVANT WORKPLACE/S OR WORKSITE	Name Address Date	Australian Federal Police Station Cocos (Keeling) Islands, West Island, WA 3 July 2020	
INSPECTOR	Name	s 22	
OTHER PERSONS ATTENDING WITH INSPECTOR	Name Position	N/A	

PURPOSE

- The purpose of the Inspection (**the Inspection**) is to assess compliance with the *Work Health and Safety Act 2011* (**WHS Act**) and *Work Health and Safety Regulations 2011 (Cth)* (**WHS Regulations**) in relation to the work health and safety (**WHS**) concern outlined below.
- On 7 July 2020 Comcare received written notification of a WHS concern regarding work practices at the Australian Federal Police (**AFP**), the person conducting the business or undertaking (**the PCBU**) Police Station, located at Cocos (Keeling) Islands (West Island) – (**the AFP Station**), Western Australia. The notification stated, in part;

*“The person who was doing the work actually is AFP staff, not contractor nor subcontractor. The person who was spraying underbody on a AFP vehicle, conducted such work in an open space in Police station yard without any proper PPE and was in fact wearing sandals. There are residential houses and our local supermarket around the area where the Police did the spray work (**the WHS concern**).”*
- The Inspection in relation to the WHS concern commenced on 27 July 2020. No report of injury or illness has been received in relation to the WHS concern.
- The complainant in this matter was contacted to provide further clarity regarding the WHS concern. In brief, the complainant informed that the WHS concern was in relation to the following:
 - On 3 July 2020, an AFP worker (**the AFP worker**) sprayed the undercarriage of an AFP vehicle with what the complainant described as ‘fish oil’, in an open area within the AFP Station yard without wearing personal protective equipment (**PPE**);

- The AFP conduct mechanical work on AFP vehicles (**the AFP vehicles**) in an open area of the AFP Station yard; and,
- The complainant believes that the AFP workers undertaking the vehicle spray work / mechanical work at the AFP Station are not qualified to undertake such tasks.

OUTCOMES

5. Based upon the review of the information made available in the conduct of the Inspection, the Inspector formed a reasonable belief that the PCBU complied with their duties under the WHS Act and WHS Regulations with respect to the scope of the Inspection.
6. The Inspection is now closed however should a WHS concern of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the PCBU has exercised due diligence to ensure the application and ongoing effectiveness of these controls.
7. While I am satisfied that this constitutes an appropriate response, the PCBU must now ensure that the duties pertaining to WHS regulations 37 and 38 are met in relation to both interim and enduring controls:
 - a. risks are either eliminated, and if not possible to do so, are reduced so far as reasonably practicable;
 - b. the controls are effective, in place, and used; and,
 - c. where relevant the lessons are applied across the organisation.
8. For ease of understanding this Inspector Report has been divided in the following two parts:
 - a. AFP Vehicle Chassis Treatment;
 - b. AFP Vehicle Maintenance.

COMPLIANCE ASSESSMENT

9. The Inspector determined a site visit was not necessary to examine the AFP Station. The information required as part of the Inspection was obtained from the PCBU on a voluntary basis, without the use of the Inspector's statutory powers.
10. The AFP Station was a workplace in accordance with Part 1 Division 3 Section 8 of the WHS Act as demonstrated by:
 - a. an AFP worker conducted the vehicle chassis treatment at the AFP Station, on behalf of the PCBU.

AFP Vehicle Chassis Treatment

11. The Inspector contacted the AFP during the Inspection. The AFP confirmed that on 3 and 4 July 2020, two AFP vehicles at the AFP Station were treated with an automotive paint product (**the paint product**). Furthermore, the AFP worker applied the paint product to the chassis of the AFP vehicles by use of a spray can with a nozzle (**the vehicle chassis treatment**). As the AFP Station is situated within close proximity to the ocean, the AFP operational

vehicles are exposed to the effects of sea mist. In consideration of this, the AFP apply the paint product as 'preventative maintenance' (**preventative maintenance**) to protect the AFP vehicles from corrosion.

12. Based upon the information reviewed, the Inspector noted that the PCBU implemented control measures prior to undertaking the vehicle chassis treatment. Of note, were some of the following controls:
 - provision of information and instruction to the AFP worker undertaking the vehicle chassis treatment, in the form of a Job Safety Analysis (**JSA**) relevant to the vehicle chassis treatment;
 - consulting the relevant Safety Data Sheet (**the SDS**) for health and safety considerations relating to the use/application of the paint product, and providing the SDS to the AFP worker involved with the vehicle chassis treatment;
 - providing PPE to the AFP worker for use during the vehicle chassis treatment which included; safety boots, coveralls, gloves, goggles and dual filter mask respirators (**the PPE**), as recommended in the SDS;
 - providing an open-ended marquee / shelter (**open-ended marquee**) for use during the vehicle chassis treatment, which the Inspector understands was for the purpose of providing adequate ventilation as per the SDS, while minimising potential over-spray of the paint product.
13. The Inspector was also informed that prior to undertaking the vehicle chassis treatment, the following actions were taken by the AFP / AFP worker:
 - contact was made with Cocos Keeling Islands Shire (**CKI Shire**), confirming that the AFP Station grounds are adequately zoned for undertaking preventative maintenance on AFP vehicles, and not in breach of Shire rules;
 - the AFP vehicles were cleaned within the AFP Station grounds using pressure water spray, and, use of PPE was not worn / not required for the pressure cleaning process as only water was used;
 - the AFP worker wore the PPE at the time of undertaking the vehicle chassis treatment.
14. Based on the information obtained, it is the Inspector's understanding that the vehicle chassis treatment was a low risk activity, not requiring specialist skills, training or formal qualifications. The AFP worker also informed the Inspector that:
 - supervision was present at the AFP Station at the time the vehicle chassis treatment was conducted, being the AFP Station Officer in Charge;
 - the PPE was worn, and the open-ended marquee was utilised during the vehicle chassis treatment;
 - no injury, illness or discomfort was sustained from undertaking the vehicle chassis treatment;
 - the AFP worker ensured that no visitors were present in the AFP Station grounds at the time of undertaking the vehicle chassis treatment, and no members of the public could be observed in the near vicinity; and,
 - the SDS and JSA were consulted prior to undertaking the vehicle chassis treatment, and the paint product was applied in accordance with the SDS/JSA.
15. On review of the information obtained, the Inspector formed a reasonable belief that there is insufficient evidence to indicate the AFP worker did not wear PPE while undertaking the vehicle spray work. The Inspector notes that photographs provided by the AFP during the Inspection, appear to support the information provided that the PPE and open-ended marquee are present at the AFP Station. The AFP provided the Inspector with a copy of the SDS relevant to the paint product. On review of the SDS, the Inspector notes that the PCBU's provision of PPE and method of application of the paint product during the vehicle chassis treatment, appear in accordance with the SDS recommendations. In consideration of these factors, the Inspector formed the reasonable belief that the

information, instruction and supervision provided to the AFP worker in relation to the vehicle chassis treatment appear in accordance with section 19(3)(f) ('Primary duty of care') of the WHS Act.

16. Based on the information reviewed, the Inspector notes that the vehicle chassis treatment appears to have been conducted in accordance with the SDS and JSA. The Inspector formed the reasonable belief that the AFP's actions in relation to the vehicle chassis treatment met the requirements of section 19(3)(c) ('Primary duty of care') of the WHS Act.

AFP Vehicle Maintenance

17. The AFP informed the Inspector that general AFP vehicle maintenance (**general vehicle maintenance**) is undertaken at the AFP Station by AFP workers. Furthermore, the general vehicle maintenance does not require specialist skills or qualifications, however, the AFP workers involved with these tasks have a sound understanding of basic vehicle maintenance and related safety requirements. The AFP informed the Inspector that the general vehicle maintenance includes the following:
- changing the vehicle oil and filters, and disposing of oil/filters in accordance with environmental regulations;
 - replacing the vehicle wiper blades;
 - high-pressure cleaning;
 - conducting regular visual inspections of the AFP vehicles for any signs of corrosion; and,
 - conducting vehicle chassis treatment to protect the AFP vehicles from corrosion.
18. The AFP also informed the Inspector that each of the AFP vehicles are regularly serviced by accredited motor vehicle mechanics located on Cocos Island. Such servicing includes, but is not limited to, mechanical works associated with the AFP vehicle engines, brakes, cables and gears.
19. The Inspector notes that the following actions were taken by the AFP in relation to the general vehicle maintenance:
- contacting the CKI Shire and confirming that the AFP Station grounds are adequately zoned for undertaking general vehicle maintenance, and not in breach of Shire rules;
 - confirming with the AFP Station's Property Lease Manager that conducting general vehicle maintenance / preventative maintenance is in accordance with the lease agreement.
20. The Inspector notes that a sample vehicle maintenance record provided by the AFP, appears to support the information provided that the AFP vehicles at the AFP Station are regularly serviced/maintained by accredited motor mechanics on Cocos Island.
21. Based on the information reviewed, the Inspector notes that the general vehicle maintenance conducted by AFP workers at the AFP Station is of a minor nature. It also appears that where required, accredited motor vehicle mechanics are utilised to undertake maintenance work on the AFP vehicles in instances where specialist skills are required. In consideration of these factors, the Inspector formed a reasonable belief that by undertaking the general vehicle maintenance, the AFP appears to be taking reasonably practicable steps to manage risks to health and safety associated with the AFP vehicles, as per Regulation 203 ('Management of risks to health and safety') of the WHS Regulations.
22. Noting the Inspector's observations, please refer to the 'Outcomes' section of this Inspector Report.

POWER EXERCISED (if any)

Section of Act	Nature of Inspector action/decision
None	Not exercised

COMPLIANCE STATUS OF PREVIOUSLY ISSUED NOTICES (if any)

Notice	Description	Status
Not applicable	Not issued	N/A

REPORT	Inspector:	s 22	Phone:	s 22
ISSUED BY	Email:	s 22 @comcare.gov.au	Region:	WA
INSPECTOR'S SIGNATURE	s 22 Signature:		Date: 23/10/2020	

DISCLAIMER

This report contains information that may assist you take steps regarding your obligations under the WHS Act. You must refer to the Commonwealth *Work Health and Safety Act 2011* (**WHS Act**) and the *Work Health and Safety Regulations 2011* (**WHS Regulations**) to understand your duties and obligations. Comcare's external website contains hyperlinks to WHS Act legislation.

Comcare does not accept liability for any errors or omissions or for any loss or damage suffered by you or any person which arises from your reliance on this report or for any breach by you of your obligations under the WHS Act. Where a Comcare Inspector has inspected a particular workplace is not a representation by Comcare that the particular workplace is in any way free of hazards.

NEED HELP?

Contact the Inspector to discuss any aspect of this Inspector Report. The Inspector should be contacted if you wish to view photographs, documents or other evidence taken by the Inspector if they attended your workplace.

Comcare has a range of publications and fact sheets to help explain your responsibilities and provide guidance to make your workplace safer. The *Compliance and Enforcement Policy* provides guidance as to how Comcare approaches regulation. To access these, visit our website.

REVIEW OF DECISIONS

Where a Decision Maker Review is unsatisfactory, the recipient of the report should seek independent legal advice on review rights.

PRIVACY STATEMENT

Your privacy is important to us. Comcare will only collect, use or disclose personal information in accordance with the Commonwealth *Privacy Act 1988* and if it is reasonably necessary for, or directly related to, one or more of our functions, powers and/or activities. These include functions and activities under the following Commonwealth legislation: *Safety, Rehabilitation and Compensation Act 1988*, the WHS Act, the *Seafarer's Rehabilitation and Compensation Act 1992*, and the *Asbestos-related Claims (Management of Commonwealth Liabilities) Act 2005*. If Comcare does not collect personal information from you, for the purposes of its legislated functions or related functions, we may not be able to respond appropriately.

Comcare is the Commonwealth agency authorised by the WHS Act to collect personal information relevant to the exercise of functions and powers under the WHS Act, WHS Regulations and the administration and evaluation of Comcare's WHS programmes. Any personal information collected in these forms will be used for those purposes.

In exercising our functions and powers, Comcare may disclose personal information, subject to confidentiality of information provisions under the WHS Act, to the following bodies and agencies, including but not limited to:

- Comcare's internal and external legal advisers
- the Safety, Rehabilitation and Compensation Commission
- a court or tribunal
- state or territory work health and safety regulatory agencies
- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
- any other person assisting Comcare in the performance of its functions or exercise of its powers, including contractors and consultants
- any other person where there is an obligation under law to do so (for example but not limited to, responding to the direction of a court to produce documentation).

For further information on how Comcare handles personal information, please read the Privacy Policy on Comcare's website. To request a change to your personal information or to make a complaint, please phone or email privacy@comcare.gov.au.

www.comcare.gov.au | 1300 366 979

From: s 22
To: s 47F
Cc: s 22
Subject: Comcare COVID-19 Quick Check - Australian Federal Police - West Perth, WA [SEC=OFFICIAL]
Date: Friday, 23 October 2020 1:52:02 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

OFFICIAL

Dear s 47F

As briefly discussed, Comcare is taking the opportunity to conduct spot-checks of COVID 19 controls while undertaking site visits for other purposes (e.g. when conducting reactive inspections). The purpose of the spot-check is not to conduct a comprehensive assessment of compliance, but rather to ensure that reasonably practicable controls are in use (e.g. hand sanitiser is available, 1.5m physical distancing is applied, COVID 19 related information is displayed, etc).

On 21 October 2020, I attended the Australian Federal Police site at West Perth, WA to provide information and advice and increase duty holder compliance with systems of work associated with WHS management, COVID-19 controls and incident reporting as part of our regional engagement program. Following our meeting, I sent a copy of Comcare's:

- Contractor Management: Guidance for Commonwealth PCBU's.

I am providing this email to summarise the findings from the COVID 19 spot-check conducted while on location on 21 October 2020. During this site visit, I made the following observations in relation to COVID 19 controls:

- Workers applied the 1.5m physical distance guidance, where possible.
- Sanitising equipment was available to wipe down furniture.
- Visitors to the workplaces are recorded and asked to sanitise their hands on entry/exit.
- Signage, alerting workers and others to the risks of COVID 19, was visible.
- There appeared to be sufficient hand-sanitiser available and it was suitably placed in high-traffic areas.

It is important to understand that while positive, the outcomes of this spot-check should not be considered a validation of the COVID 19 management practices or their effectiveness. Australian Federal Police should ensure that the duties pertaining to WHS Regulations 37 and 38 are met in relation to all COVID 19 controls:

- risks are either eliminated, and if not possible to do so, are reduced so far as reasonably practicable,
- all controls are effective, in place, and used (i.e. monitoring and evaluation occurs), and
- where relevant, any lessons are applied across the organisation.

As the spot-check was limited to the COVID-19 controls on location, you may wish to take into consideration that appropriate disposal facilities are provided for soiled items at other Australian Federal Police locations such as the Perth Airport.

Australian Federal Police should maintain awareness of developments in the management of COVID 19 risks to inform its efforts. Please note, relevant authoritative guidance is

available from:

- Department of Health - <https://www.health.gov.au/>
- Health Direct - <https://www.healthdirect.gov.au/>
- Safe Work Australia - <https://www.safeworkaustralia.gov.au/>
- Comcare - <https://www.comcare.gov.au/>

If you have any questions pertaining to this matter, please call at your convenience. Thank you again for your time and assistance.

Regards

s 22

Inspector

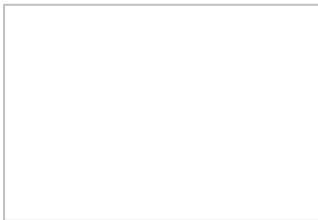
Regional Operations WA | Regulatory Operations Group

P: s 22 | **M:** s 22

F: s 22

E: s 22 [@comcare.gov.au](mailto:s22@comcare.gov.au)

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Comcare

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COVID-19 Update: While we are unable to serve you in person during COVID-19, we are still working and you can [contact us](#) via phone or email. Work health and safety is our highest priority. We monitor this situation daily and regularly update our [COVID-19 guidance](#).

From: s 22
To: s 47F
Cc: s 22
Subject: Comcare Monitoring Compliance - COVID-19 Quick Check - MC00025912 - Australian Federal Police - North Fremantle, Western Australia [SEC=OFFICIAL:Sensitive]
Date: Thursday, 17 March 2022 1:33:00 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.jpg](#)

OFFICIAL: Sensitive

Dear s 47F

As briefly discussed, Comcare is taking the opportunity to conduct spot-checks of COVID 19 controls while undertaking site visits for other purposes (e.g. when conducting provide information and advice activities). The purpose of the spot-check is not to conduct a comprehensive assessment of compliance, but rather to ensure that reasonably practicable controls are in use (e.g. hand sanitiser is available, 2 m physical distancing is applied, COVID 19 related information is displayed, etc).

On 4 February 2022, I attended the Australian Federal Police site at North Fremantle, WA in company with Inspector s 22 to provide information and advice regarding systems of work associated with WHS management, COVID-19 controls and incident reporting as part of our regional engagement program. Following our meeting, Inspector s 22 also provided you with information via email, regarding the potential next steps for issues relating to the multipurpose area of the workplace and its use.

I am providing this email to summarise the findings from the COVID 19 spot-check conducted while on location on 4 February 2022. During this site visit, I made the following observations in relation to COVID 19 controls:

- Workers applied the 2 square metre physical distance requirements, where possible and wore face masks in accordance with the current state government mandates.
- Visitors to the workplaces are recorded and asked to sanitise their hands-on entry/exit.
- Largely, signage alerting workers and others to the risks of COVID 19, was visible. I noted one instance where an indoor plant at the security reception area obstructed COVID 19 signage. While this matter was addressed at the time of our attendance, all risk controls need to be regularly reviewed, particularly as restrictions change.
- There appeared to be sufficient hand-sanitiser available, and it was suitably placed in high-traffic areas.

It is important to understand that while positive, the outcomes of this spot-check should not be considered a validation of the COVID 19 management practices or their effectiveness. Australian Federal Police should ensure that the duties pertaining to WHS Regulations 37 and 38 are met in relation to all COVID 19 controls:

- risks are either eliminated, and if not possible to do so, are reduced so far as reasonably practicable,
- all controls are effective, in place, and used (i.e. monitoring and evaluation occurs), and
- where relevant, any lessons are applied across the organisation.

[ISO 45005:2020 Occupational health and safety management — General guidelines for safe working during the COVID-19 pandemic](#) was published in December 2020 and provides

guidelines for organisations to manage the risks arising from COVID-19.

Australian Federal Police should maintain awareness of developments in the management of COVID 19 risks to inform its efforts. Please note, relevant authoritative guidance is available from:

- Department of Health - <https://www.health.gov.au/>
- Health Direct - <https://www.healthdirect.gov.au/>
- Safe Work Australia - <https://www.safeworkaustralia.gov.au/>
- Comcare - <https://www.comcare.gov.au/>

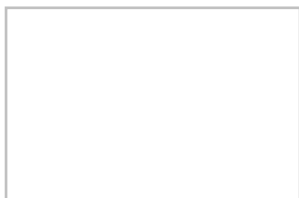
If you have any questions pertaining to this matter, please call at your convenience. Thank you again for your time and assistance.

Regards

s 22

Inspector

Regulatory Operations WA
Regulatory Operations Group | Comcare
P: s 22 | M: s 22



Comcare
GPO Box 9905, Canberra, ACT 2601
1300 366 979
www.comcare.gov.au



Comcare acknowledges the Traditional Owners and Custodians of country throughout Australia and acknowledges their continuing connection to land, sea and community. We pay our respects to the people, the cultures and the elder's past, present and emerging.

INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00030623
PCBU DETAILS	Name: Australian Federal Police ABN: 17 864 931 143
REPORT ISSUED TO	Name: s 47F Position: Acting Officer in Charge and Officer in Charge. Cc: s 47F WHS Advisor – Western Command. Australian Federal Police s 47F @afp.gov.au
BACKGROUND	
<ol style="list-style-type: none"> On 29/04/2023, Comcare conducted a proactive inspection (the inspection) at the Australian Federal Police (AFP) building (the workplace) located at s 47E(d) Western Australia (WA). The scope of the inspection was to monitor, review and discuss any work health and safety issues at the workplace and provide information and advice to assist compliance with the <i>Work Health and Safety Act 2011 (Cth)</i> (WHS Act) and the <i>Work Health and Safety Regulations 2011 (Cth)</i> (WHS Regulations). The scope of the inspection also included, but was not limited to the following key topics: <ul style="list-style-type: none"> An inspection of the workplace premises, including plant and asset management. Contractor management processes, which include incident management / notification procedures, hazard identification & risk management, consultation, coordination, and communication processes, including issue resolution and hazard reporting procedures. The observations made during the inspection are detailed under the 'Compliance Assessment' section of this Inspector Report. 	
OUTCOMES	
<ol style="list-style-type: none"> During the inspection I observed that the housekeeping practices at the workplace were of a high standard, however at the time of the inspection the workplace prisoner cells (the cells) were unusable. I formed a reasonable belief that the AFP did not comply with its duties under the WHS Act. The AFP has contravened the following: <ol style="list-style-type: none"> WHS Act section 19 (3)(d) 'the safe use of structures' (regarding the cells). Refer to the reasons set out in paragraphs 11-12 of this Inspector Report. 	

Remedial actions

4. The following action is to be taken to remedy the above listed contravention, as discussed with AFP:
 - a. In relation to Outcome 3(a) – AFP to arrange for the appropriately qualified person to review the repairs and alterations (inclusive of the concern regarding the intercom being a ligature point – paragraph 14) made to the cells. The aim being to ensure the requirements of the WHS Act s19(3)(d) are met, and on the occasion of a person being in custody, able to meet the requirements of WHS Act s19(1) and s19(2) ‘Primary duty of care’.
5. Control measures should be implemented as soon as possible. Comcare will conduct a Verification Inspection within (2) months to verify completion of this action.

Recommendation

6. I recommend that the AFP, as the person with management or control at the workplace conduct their own regular WHS inspections (e.g., on a quarterly basis) to ensure so far as reasonably practicable, a work environment without risks to health and safety. In consideration of the Australian Standard AS/NZS 3760 (**the standard**) and the WHS Regulations, I also recommend a more robust electrical testing and tagging regime for the workplace. (See paragraphs 17-18 of this Inspector Report for further details).

Information and advice

7. The AFP must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. The AFP should have regard to Part 3.1 of the WHS Regulations and the *Code of Practice: How to Manage Work Health and Safety Risks* when managing risks to health and safety. The AFP must monitor and maintain control measures, particularly any interim controls, to ensure that they remain in use and effective.
8. Learnings regarding control measures resulting from the inspection should be applied across the organisation where applicable.

COMPLIANCE ASSESSMENT

9. On 29/04/2023 Comcare Inspector s 22 and I attended the workplace in the conduct of the inspection and spoke to the Acting Officer in Charge (**A/OIC**) Detective s 47F
 . There is no Health and Safety Representative (**HSR**) at this

workplace. During the inspection, I was informed that the workplace building is property managed by JLL Australia (**JLL**).

10. The following was observed and discussed with s 47F during the inspection of the workplace:

- The workplace was observed to be clean, tidy, and well maintained with very good housekeeping practices.
- AFP has a risk management process in place that clearly identifies reasonably foreseeable hazards, including psychosocial hazards in the workplace.
- A Hazardous Materials Register and Emergency Operations Kit is in place, kept up to date, and is accessible at the workplace.
- Plant and equipment were maintained by local agents and maintenance scheduling managed by a locally employed AFP Special Member (**Special Member**).

11. During the conduct of the inspection, I found that the workplace's only two outdoor prisoner holding cells (i.e., the cells) were unusable as they did not have operating air-conditioning, and one of the cells did not have functioning lighting or water. The cell door locking mechanisms on both cells was also faulty, being very difficult to lock. In consideration of this and based on my observations, I formed the reasonable belief the condition of the cells did not meet the requirement of s19(3)(d) 'Primary duty of care' of the WHS Act – regarding provision and maintenance of safe structures.

12. In the event of a member of the public (**MOP**) or other person in Police custody, it places the MOP at risk if placed in the cells. This is due to the high heat and humidity with the cell door closed once a MOP is placed inside. Furthermore, AFP workers are potentially placed at risk in such circumstances, having to guard an MOP with a cell door open, to ensure sufficient air flow. In consideration of this, in the event of an aggressive MOP in custody, an AFP worker and/or the MOP could be placed at risk of sustaining injury due to the cells being in an unusable state. I note that in the event of such person being in police custody at the workplace, the AFP would also have duties under s19(2) 'Primary duty of care' WHS Act – to ensure the health and safety of 'other persons' is not put at risk, and s19(1) WHS Act – to ensure, so far as reasonably practicable, the health and safety of AFP workers.

13. I was informed that the faults relating to the cells were reported through to JLL in 2022, and an assessment of required rectification works completed in mid-2022. JLL inform me that the works are progressing, however are challenged by corrosion caused by the proximity of the cells to the ocean (as the cells are located outside). I understand there are challenges faced by JLL, however, if a person must be kept in custody, the lack of

suitable cells presents a high risk to the worker and the MOP. The cells must return to functionality, and be maintained as such, as soon as possible.

14. During the inspection workers also raised concerns regarding the fitted intercom system in the cells, as the intercom units protruded from the wall and may present MOP / prisoner ligature points. It is my understanding that the cell rectification works are underway and may be completed in July 2023. (Please refer to the Remedial Actions of this Inspection Report).
15. Workers also indicated that the workplace ceiling space was marked 'Danger – Asbestos' without the workers being informed of the associated dangers or precautions to be taken regarding that space. On advice from Inspector s 22 inquiries were made by workers and found that the asbestos had been removed from the ceiling space and testing was completed every 12 months to test for any asbestos containing material that may remain. It is my understanding that as asbestos fibres have been removed, there does not appear to be asbestos related risk in relation to the workplace ceiling space. However further monitoring will ensure that there are no further risks.
16. I noted concerns by workers raised regarding the Christmas Island AFP patrol boat (**the patrol boat**). The patrol boat was currently unserviceable and was waiting for approvals for the patrol boat to be repaired. I am informed that the transport to the mainland and repairs were projected to take months to complete. Workers were concerned that in the event of a water rescue or police operation the AFP would not be able to respond adequately. Recent information indicates that the patrol boat has been approved for repairs and will be shipped to Australia in June 2023 for that to take place. The Marine Volunteer Rescue vessel, which is similar to the (AFP) patrol boat, can be utilised for police assistance until the patrol boat returns from repairs.
17. I acknowledge that an Emergency Plan for the workplace appears to be in place. However, for your awareness please note the requirements of Reg. 43(2) 'Duty to prepare, maintain and implement emergency plan' - AFP must maintain the emergency plan to ensure it remains effective.
18. I noted that a portion of the electrical equipment and cords that been electrically 'tested and tagged', however the certification tags had expired in December 2021.
19. Noting the Compliance Assessment, please refer to the 'Outcomes' section of this Inspector Report. The inspection is now closed.

REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s
	Email	s 22 @comcare.gov.au

	Phone	s 22
	Date	05/07/2023
	Signature	s 22

DISCLAIMER

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IF YOU DO NOT AGREE WITH A DECISION

If you disagree with the outcome of this inspection, you may seek an internal reconsideration of the inspector's decision. A request for a review should be sent to statutory.oversight@comcare.gov.au including any additional information or evidence you have to support your request. Comcare will review your request and advise of the outcome in writing within 20 business days. If you would like to clarify any aspect of this report, you can contact the inspector directly.

Comcare has a range of publications and fact sheets to help explain your responsibilities and provide guidance to make your workplace safer. The Compliance and Enforcement Policy provides guidance as to how Comcare approaches regulation. To access these, visit our website.

PRIVACY STATEMENT

Your privacy is important to us. Comcare will only collect, use or disclose personal information in accordance with the Commonwealth Privacy Act 1988 and if it is reasonably necessary for, or directly related to, one or more of our functions, powers and/or activities. These include functions and activities under the following Commonwealth legislation: Safety, Rehabilitation and Compensation Act 1988, the WHS Act, the Seafarer's Rehabilitation and Compensation Act 1992, and the Asbestos related Claims (Management of Commonwealth Liabilities) Act 2005. If Comcare is unable to collect, use and disclose your personal information for our WHS regulatory requirements, we may not be able to provide these services and respond appropriately.

Comcare may also need, in accordance with the Privacy Act 1988, and subject to confidentiality of information provisions under the WHS Act, to collect your personal information from, and disclose your personal information to, a number of parties, including but not limited to:

- Comcare's internal and external legal advisers
- the Safety, Rehabilitation and Compensation Commission
- a court or tribunal
- state or territory work health and safety regulatory agencies
- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators

- any other person assisting Comcare in the performance of its functions or exercise of its powers, including contractors and consultants
- any other person where there is an obligation under law to do so (for example but not limited to, responding to the direction of a court to produce documentation).

It is unlikely Comcare will provide personal information to anyone in an external territory or outside Australia, unless the information relates to an incident, investigation, injury or illness sustained while overseas, or treatment provided by an overseas practitioner. If disclosure of personal information is made to someone overseas, Comcare will follow the Australian Privacy Principles that relate to disclosure to overseas entities.

Accuracy of personal information. Comcare wants to ensure personal information is up to date and complete. Our Privacy Policy explains how to access personal information held about you and how to go about making any corrections.

Complaints. If you think Comcare has interfered with or breached your privacy (relevant to the Privacy Act 1988), our Privacy Policy contains information about what you should do and how we will respond.

For a copy of our Privacy Policy, to request a change of your personal information or to make a privacy complaint please refer to www.comcare.gov.au/privacy. You can also contact us on 1300 366 979 or email us at privacy@comcare.gov.au.



Aus

INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00030623 -VR01
PCBU DETAILS	Name: Australian Federal Police ABN: 17 864 931 143
REPORT ISSUED TO	Name: s 47F Position: WHS Advisor – AFP Western Command Cc: s 47E(d) @afp.gov.au
BACKGROUND	
<ol style="list-style-type: none"> On 29/04/2023, Comcare conducted a proactive inspection (the inspection) at the Australian Federal Police (AFP) building (the workplace) located at s 47E(d), Western Australia (WA). On 05/07/2023 Comcare issued an Inspector Report for MC00030623 following the inspection, noting the following remedial action (the remedial action) to be undertaken by AFP and advising that a Verification Inspection would be undertaken: <ol style="list-style-type: none"> Conduct repairs to the police station's two prisoner cells to make them safe for workers and other persons, including reviewing the possible ligature point within the cells (i.e., specifically relating to the prisoner cell intercom call boxes). On 24/10/2023, Comcare commenced a Verification Inspection (the Verification Inspection) to monitor AFP's progress against the remedial action identified in Inspector Report MC00030623 and to assess compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act) and <i>Work Health and Safety Regulations 2011</i> (Cth) (WHS Regulations). 	
OUTCOMES	
<ol style="list-style-type: none"> Based on the information reviewed during the Verification Inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection. 	
Information and advice	
<ol style="list-style-type: none"> The AFP must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. PCBUs should have regard to Part 3.1 of the WHS Regulations and the <i>Code of Practice: How to Manage Work Health and Safety Risks</i> when managing risks to health and safety. The AFP must also monitor and maintain control measures, particularly any interim controls, to ensure that they remain in use and effective. The Verification Inspection is now closed. 	



Aus

COMPLIANCE ASSESSMENT

6. I determined a site visit was not necessary to examine the (remedial action at paragraph 2.) and sufficient information was able to be obtained using my statutory powers.
s 47E(d)
9. Based on this assessment and the information provided I formed a reasonable belief that the AFP has met the requirements of WHS Act s19(1) and s19(2) 'Primary duty of care' with regard to addressing the remedial action. I also acknowledge that the AFP has taken measures to address the recommendations stemming from the Inspection (MC00030623).
10. I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the Verification Inspection, and the Verification Inspection is now closed.



Aus

REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s
	Email	s 22 @comcare.gov.au
	Phone	s 22
	Date	19/01/2024
	Signature	s 22



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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00030628
PCBU DETAILS	Name: Australian Federal Police – Cocos (Keeling) Islands ABN: 17 864 931 143
REPORT ISSUED TO	Name: s 47F @afp.gov.au Position: Acting Officer in Charge of Cocos (Keeling) Islands Australian Federal Police station. Cc: s 47F @afp.gov.au - Work Health and Safety Advisor, Western Command, Australian Federal Police.
BACKGROUND	
<ol style="list-style-type: none"> On 4/05/2023, I (Inspector s 22) conducted a proactive inspection (the inspection) at the Australian Federal Police (AFP) building (the workplace), located at Cocos (Keeling) Islands, Indian Ocean Territories, Western Australia (WA). The scope of the inspection was to monitor, review and discuss any work health and safety matters at the workplace and provide information and advice to assist compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act) and the <i>Work Health and Safety Regulations 2011</i> (Cth) (WHS Regulations). The scope of the inspection also included, but was not limited to the following key topics: <ul style="list-style-type: none"> An inspection of the workplace premises, including plant and asset management. Contractor management processes, which include incident management / notification procedures, hazard identification & risk management, consultation, coordination, and communication processes, including issue resolution and hazard reporting procedures. The observations made during the inspection are detailed under the 'Compliance Assessment' section of this Inspector Report. 	
OUTCOMES	
<ol style="list-style-type: none"> During the inspection I observed that the housekeeping practices at the workplace were of a reasonable standard, however at the time of the inspection the workplace prisoner cells (the cells) were unusable. I formed a reasonable belief that the AFP did not comply with its duties under the WHS Act. The AFP has contravened the following: <ol style="list-style-type: none"> WHS Act section 19 (3)(d) 'the safe use of structures' (regarding the cells). Refer to the reasons set out in paragraphs 13 to 16 of this Inspector Report. 	

Remedial actions

5. The following action is to be taken to remedy the above listed contravention, as discussed with AFP:
 - a. In relation to Outcome 4(a) – AFP to arrange for an appropriately qualified person to review the repairs and alterations made to the cells. The aim being to ensure the requirements of WHS Act s19(3)(d) are met, and on the occasion of a person being in custody, able to meet the requirements of WHS Act s19(1) and s19(2) ‘Primary duty of care’.
6. Control measures should be implemented as soon as possible. Comcare will conduct a Verification Inspection within (2) months to verify completion of the remedial actions.
7. At the time of the inspection a work order had been raised for repairs, through the contracted firm JLL. My contact with JLL indicated that the building complexity regarding air conditioning is hampering the planning for repairs. At the time of writing this Inspector Report, it is my understanding the required repairs were not funded.

Recommendations

8. I recommend that the AFP, as the person with management or control at the workplace conduct their own regular WHS inspections (e.g., on a quarterly basis) to ensure so far as reasonably practicable, a work environment without risks to health and safety (See paragraph 16 (a to d) of this Inspector Report for further details).
9. I recommend that the training provided to locally employed AFP Special Members (Special Members) engaged at the workplace be reviewed by a competent person. This is to ensure that the Special Members receive the appropriate information, training and instruction that is necessary to protect all persons from risks to their health and safety arising from work carried out on behalf of the AFP. (See paragraph 19 of this Inspector Report).

Information and advice

10. The AFP must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. The AFP should have regard to Part 3.1 of the WHS Regulations and the Code of Practice: How to Manage Work Health and Safety Risks when managing risks to health and safety. The AFP must also monitor and maintain control measures, particularly any interim controls, to ensure that they remain in use and effective.

11. Learnings regarding control measures resulting from the inspection should be applied across the organisation where applicable. The inspection is now closed.

COMPLIANCE ASSESSMENT

12. On 4/05/2023 Comcare Inspector s 22 and I attended the workplace in the conduct of the inspection and spoke with Acting Officer in Charge (A/OIC) s 47F). I undertook actions to make relevant Health and Safety Representatives (HSR) aware of my attendance at the workplace to afford opportunity to engage in the inspection, however there is no HSR at the workplace.
13. The following was observed and discussed with s 47F during the inspection of the workplace:
- a) AFP has a risk management process in place that clearly identifies reasonably foreseeable hazards, including psychosocial hazards in the workplace.
 - b) A workplace Emergency Management Plan/Evacuation Procedure, Hazardous Materials Register and Emergency Operations Kit is in place, and is accessible at the workplace. On assessment, the workplace Emergency Plan was not accordance with Regulation 43 'Duty to prepare, maintain and implement emergency plan' of the WHS Regulations.
14. During the conduct of my inspection, I found that the air-conditioning for the workplace's only two prisoner cells were unserviceable, rendering the cells unsafe to secure a member of the public (MOP) or another person in a cell in the hot local climate. I also noted that staff were unable to operate the prisoner observation CCTV system, it was unclear if the system was operational. In consideration of this and based on my observations, I formed the reasonable belief the condition of the cells did not meet the requirement of s19(3)(d) 'Primary duty of care' of the WHS Act – regarding safe use of structures.
15. In the event of a MOP or other person in Police custody, it places the MOP at risk if placed in the cells. This is due to the high heat and humidity with the cell door closed once a MOP is placed inside. Furthermore, AFP workers are potentially placed at risk in such circumstances, having to guard an MOP with a cell door open, to ensure sufficient air flow. In consideration of this, in the event of an aggressive MOP in custody, an AFP worker and/or the MOP could be placed at risk of sustaining injury due to the cells being in an unusable state. I note that in the event of such person being in police custody at the workplace, the AFP would also have duties under s19(2) 'Primary duty of care' WHS Act – to ensure the health and safety of 'other persons' is not put at risk, and s19(1) WHS Act – to ensure, so far as reasonably practicable, the health and safety of AFP workers.

16. In relation to paragraph 8 (Recommendations) of this inspectors report, the following points require attention from the AFP to maintain the health and safety of the workers. I believe regular WHS inspections would contribute to maintaining a workplace that minimises risk to the workers.
- a) I observed that the electrical 'test and tag' had not been completed for all electrical items at the station. Many were not tagged and the few that were tagged, were out of date. The Island's constant high humidity and exposure to the ocean air increases the risk of corrosion and electrical hazards in the workplace. Due to the nature of the work, workers often use electrical items in an open-air environment. In consideration of the Australian Standard AS/NZS 3760 (**the standard**) and the WHS Regulations, I recommend a more robust electrical testing and tagging regime for the workplace.
 - b) In the Cocos (Keeling) Islands Court, housed within the workplace, I found several plugged-in electrical and audio cables that were loose on the ground, in places people would walk, such as near the prosecutors and defence bench, presenting trip hazards. Be aware of WHS Regulation 40(1) in relation to general workplace environment allowing workers to move about without risk to health and safety.
 - c) I acknowledge that an Emergency Plan for the workplace appears to be in place. However, for your awareness please note the requirements of Reg. 43(2) 'Duty to prepare, maintain and implement emergency plan' - AFP must maintain the emergency plan to ensure it remains effective. I note that the emergency evacuation training has been completed.
 - d) I observed that the workplace, including the workshop/garage appeared cluttered, with insufficient storage locations for equipment, increasing the risk of slips trips and falls, and potentially hampering workers in the event of an emergency evacuation. I also noticed that heavier bulky items were stored at higher levels of the garage. Please be aware of WHS Regulation 60(2) 'Managing risks to health and safety' requirements regarding managing the risk of musculoskeletal disorder.
17. The chemical storage cabinet appeared to be adequately organised with the appropriate items stored in the cabinet.
18. I noted that plant and equipment are maintained and serviced by local service agents and managed by a Special Member.
19. I noted concerns raised regarding the two Special Members. I was informed that the Special Members, who had a selection of the powers of an AFP sworn Officer, had insufficient training to assist them to complete their roles. The worker felt that a higher level of training, combined with their experience, would ensure correct decisions were made when carrying out work on behalf of the AFP.

20. Noting the Compliance Assessment, please refer to the 'Outcomes' section of this Inspector Report. The inspection is now closed.

REPORT ISSUED BY	Inspector	s 22
	Inspector ID number	s
	Email	s 22 @comcare.gov.au
	Phone	s 22
	Date	13/07/2023
	Signature	s 22

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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00030628 -VR01
PCBU DETAILS	Name: Australian Federal Police ABN: 17 864 931 143
REPORT ISSUED TO	Name: s 47F Position: Australian Federal Police, Western Command WHS Advisor. Cc: s 47E(d) @afp.gov.au
BACKGROUND	
<ol style="list-style-type: none"> 1. On 4/05/2023, I (Inspector s 22) conducted a proactive inspection (the inspection) at the Australian Federal Police (AFP) building (the workplace), located at Cocos (Keeling) Islands, Indian Ocean Territories, Western Australia (WA). 2. On 13/07/2023 Comcare issued an Inspector Report for MC00030628, noting the following remedial action (the remedial action) to be undertaken by the AFP and advising that a Verification Inspection would be undertaken: <ol style="list-style-type: none"> a. AFP to arrange for an appropriately qualified person to review the repairs and alterations made to the cells. The aim being to ensure the requirements of WHS Act s19(3)(d) are met, and on the occasion of a person being in custody, able to meet the requirements of WHS Act s19(1) and s19(2) 'Primary duty of care'. 3. On 24/10/2023 I commenced a Verification Inspection (the Verification Inspection) to monitor the AFP's progress against the remedial actions identified in Inspector Report MC00030628 and to assess compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act) and <i>Work Health and Safety Regulations 2011</i> (Cth) (WHS Regulations). 	
OUTCOMES	
<ol style="list-style-type: none"> 4. Based on the information reviewed during the Verification Inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection. <p>Information and advice</p> <ol style="list-style-type: none"> 5. The AFP must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. PCBUs should have regard to Part 3.1 of the WHS Regulations and the <i>Code of Practice: How to Manage Work Health and Safety Risks</i> when managing risks to health and safety. The PCBU must monitor and maintain control 	



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measures, particularly any interim controls, to ensure that they remain in use and effective. The Verification Inspection is now closed.

COMPLIANCE ASSESSMENT

6. I determined a site visit was not necessary to examine the remedial action at paragraph 2 of this Verification Inspection Report, and sufficient information was able to be obtained voluntarily from the AFP.
7. I was informed that the following actions had been undertaken by the AFP to address the remedial action stemming from MC00030628:
 - a. Temporary air-conditioning for the workplace cells has been provided and a plan to provide permanent air-conditioning has been commenced.
 - b. Closed Circuit Television (**CCTV**) to the cells has been checked and confirmed as operational and additional actions have also been planned to improve the accessibility to the CCTV system.
8. I also note that the Inspector Report for MC00030628 provided the AFP with recommendations regarding the following at the workplace – electrical test and tag requirements, minor trip hazards in the workplace courthouse area, safe storage of bulky equipment items, the AFP / workplace conducting its own regular WHS inspections, including a recommendation relating to training requirements. In consideration of the recommendations outlined as part of MC00030628, I note the following actions that have been taken by AFP in response, based on the information provided:
 - Electrical ‘Test and Tag’ has now been completed with annual checks scheduled.
 - Trip hazards (cables) in the courthouse at the workplace have been secured.
 - Heavy items appear to be correctly stored in storage areas at the workplace.
 - AFP Locally Engaged Staff (**LES**) training is discussed at regular Performance Development Agreement meetings. Furthermore, LES discuss further training related aspirations that they would like to achieve with their supervisor.
 - The AFP / workplace working towards implementing and conducting its own quarterly WHS inspections at the workplace. I note that this measure would



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assist the AFP with ensuring, so far as reasonably practicable, a work environment at the workplace that is without risks to health and safety.

9. Based on this assessment and the information provided I formed a reasonable belief that the AFP has met the requirements of WHS Act s19(1) and s19(2) 'Primary duty of care' with regard to addressing the remedial action. I also acknowledge that the AFP has taken measures to address the recommendations stemming from MC00030628.
10. I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the Verification Inspection, and the Verification Inspection is now closed.

REPORT ISSUED BY	Inspector	s 22
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	Email	s 22 @comcare.gov.au
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	Date	19/01/2024
	Signature	s 22



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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00031744
PCBU DETAILS	Name: Australian Federal Police ABN: 17864931143
REPORT ISSUED TO	Name: S 47F @afp.gov.au . Position: WHS Advisor (Australian Federal Police)
BACKGROUND	
<p>1. On 2nd August 2023 Comcare received information from the Australian Federal Police (AFP) regarding an incident that occurred at S 47E(d) Western Australia (WA) (the workplace) on 2nd August 2023. The information indicated the following, in part:</p> <p><i>'An AFP member (the worker) S 47F (the incident) during an 'operational safety assessment' (OSA) (the activity).</i></p> <p>2. Comcare commenced an inspection (the inspection) on 8th August 2023 in relation to this matter, to monitor and enforce compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act) and the <i>Work Health and Safety Regulations 2011</i> (Cth) (WHS Regulations).</p> <p>3. The scope of the inspection was to determine what control measures were in place in relation to the OSA / the activity, to mitigate the risks of injury to any person, specifically regarding the use of firearms when training, so far as is reasonably practicable.</p> <p>4. The risk/s to health and safety identified during the inspection was the risk of death or serious injury to any person from the unauthorised discharge (UD) of a firearm during the activity.</p>	
OUTCOMES	
<p>5. Based on the information reviewed during the inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection.</p> <p>Information and advice</p> <p>6. AFP must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. AFP should have regard to Part 3.1 of the WHS Regulations and the <i>Code of Practice: How to Manage Work Health and Safety Risks</i> when</p>	



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managing risks to health and safety. AFP must monitor and maintain control measures, particularly any interim controls, to ensure that they remain in use and effective.

Recommendations:

7. I note that whilst I have not identified noncompliance with the WHS Act/WHS Regulations with respect to the scope of the inspection, I make the following recommendation for the AFP to address:
 - a. Have a suitably qualified person/s, assess the frequency of OSA training and evaluate if greater frequency of the OSA and or associated modules of the course may be beneficial to enhance worker firearms proficiency.
8. Learnings regarding control measures as a result of the inspection should be applied across the organisation where applicable.
9. The inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that AFP has ensured the control measures are effective and are maintained so that they remain effective.

COMPLIANCE ASSESSMENT

10. I attended the S_____ in the conduct of the inspection. The site visit was conducted as an announced inspection. Senior Inspector S 22_____ and I were met and escorted to Range 1 by the OST Sergeant and an Investigator from the AFP Professional Standards section. We were able to view the range in between use. s 47E(d)

I was not accompanied by the relevant Health and Safety Representative (HSR).

11. However, I liaised with the relevant HSR during the inspection; and I note that nil concerns were raised by the HSR in relation to the OSA.
12. Based on the information received and reviewed, control measures implemented by AFP prior to the incident included, but were not limited to:

s 47E(d)



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s 47E(d)



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s 47E(d)



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27. My understanding is that the worker is expected to make a full recovery and return to work.

28. In consideration of the information received and reviewed, with respect to the scope of this undertaking inspection, I formed the reasonable belief that AFP's actions in relation to the task (OSA at the time of the incident) appear to be compliant, so far as reasonably practicable with the requirements of section 19(3)(f) 'the provision of any information, training, instruction or supervision' of the WHS Act

29. In consideration of the incident and the AFP's investigations in response, I recommend the AFP engage a competent person to assess:

a) the frequency of the OSA training, and whether the OSA being held on a 12 monthly basis is sufficient to ensure worker familiarisation and proficiency associated with firearm use, and

b) whether the current frequency of the OSA training is sufficient in maintaining AFP Officer confidence, ability and required muscle memory with safely undertaking the trigger prep technique during such yearly OSA training exercises.

(In consideration of this, refer to the 'Outcomes' section of this Inspector report where a recommendation has been included).

30. The inspection is now closed.

REPORT ISSUED BY	Inspector	s 22
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	Date	02/10/2023
	Signature	s 22



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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00031964
PCBU DETAILS	Name: Australian Federal Police (AFP) ABN: 17 864 931 143
REPORT ISSUED TO	Name: s 47F Position: WHS Advisor – Western Command (AFP)
BACKGROUND	
<p>1. On 26 July 2023 and 9 August 2023, Comcare received information from s 47F (the complainant), s 47F</p> <p style="text-align: right;">. (Note: further details regarding Concerns 1 to 4 are outlined under the 'Compliance Assessment' at page 3 of this Inspector Report).</p> <p>(Concern 1) – s 47E(d)</p> <p>(Concern 2) – s 47E(d)</p> <p>(Concern 3) – s 47E(d)</p>	

(Concern 4) – s 47E(d)

2. I, Inspector s 22 commenced an inspection (**the inspection**) in relation to Concerns 1 to 4 on 10/08/2023, to monitor compliance with the *Work Health and Safety Act 2011* (Cth) (**WHS Act**) and the *Work Health and Safety Regulations 2011* (Cth) (**WHS Regulations**).
3. At the commencement of the inspection, I explained to the complainant that the scope of the inspection was to assess the AFP's systems associated with managing and responding to Concerns 1 to 4, in accordance with Comcare's systems based regulatory approach.

OUTCOMES

4. Based on the information reviewed during the inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection.

Recommendation

5. I make the following recommendation for the AFP to address:

The AFP to engage an appropriately qualified person to review the use of 'incident rejected' and 'incident not progressed' (including similar) responses to AFP workplace incident reports (WIR's). This is for the purpose of ensuring that:

- instances where WIR's will not be acted on (for any reason), and instances where WIR's are unclear (e.g. outline numerous matters or lack information), that such WIR's are not 'rejected' or 'not progressed' – until clarification is obtained from the person reporting. Furthermore, such clarification process should include oversight and input from AFP's Health and Safety Team. This will allow such WIR's to be understood, any potential WHS risks being addressed, and appropriate support measures implemented (before finalising such WIR's and explaining the outcome/s to the person reporting).

Information and advice

6. The AFP must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. The AFP should have regard to Part 3.1 of the WHS Regulations and the *Code of Practice: How to Manage Work Health and Safety Risks* when

managing risks to health and safety. The AFP must also monitor and maintain control measures, particularly any interim controls, to ensure that they remain in use and effective.

7. Learnings regarding control measures as a result of the inspection should be applied across the organisation, where applicable. The inspection is now closed.

COMPLIANCE ASSESSMENT

8. On 06/09/2023, I attended AFP's West Perth office in the conduct of the inspection in company with Senior Inspector s 47F . The site visit was conducted as an announced inspection. I also obtained information from the AFP using my statutory powers during the course of the inspection process. The complainant provided consent / authority for Comcare to identify him and communicate the details of Concern's 1 to 4, to the AFP.
9. During the inspection, I was informed that all AFP officers receive training regarding appropriate workplace conduct, including awareness of discrimination and bullying, and information and training regarding internal issue resolution procedures.
10. For ease of understanding, the Compliance Assessment section of this Inspector Report has been divided into four parts (based on Concerns 1 to 4):

Concern – 1:

s 47E(d)

s 47E(d)

s 47E(d)

s 47E(d)

s 47E(d)

s 47E(d)

s 47E(d)

s 47E(d)

REPORT ISSUED BY	Inspector	s 22
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	Phone	s 22
	Date	26/02/2024
	Signature	s 22

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- a court or tribunal
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- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
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s 37(1)(a)

s 37(1)(a)



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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00037131
PCBU DETAILS	Name: Australian Federal Police ABN: 17864931143
REPORT ISSUED TO	Name: s 47F Position: Work Health and Safety Advisor, Central Command, Australian Federal Police Cc: s 47E(d) @afp.gov.au
BACKGROUND	
<p>1. On 4 January 2025 Comcare received information regarding an incident that occurred at the weapons load and unload bay (the workplace) at the Australian Federal Police (AFP) station armoury, at the s 47E(d) Western Australia (WA) on 3 January 2025. The information indicated, in part:</p> <ol style="list-style-type: none"> <i>Worker (the worker) arrived at station at approximately 17:15. At approximately 17:20 he entered the armoury to kit up for his shift (the activity).</i> <i>He (the worker) had put on all his accoutrements except his TASER 7 and firearm. He placed his firearm into the loading bay.</i> <i>He locked his slide back in order to remove the red plug from his firearm. Once the slide was locked back, he inserted a magazine into his firearm.</i> <i>Once the magazine was inserted into his firearm he locked his slide forward. Once the slide was locked forward, he conducted a trigger manipulation to test trigger safety, which he has been doing since college and was not identified and rectified at the college.</i> <i>It was at this point that there was an unauthorised discharge from his firearm (the incident).</i> <p>2. Comcare commenced an inspection (the inspection) in relation to the incident on 10 January 2025 to monitor compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act) and the <i>Work Health and Safety Regulations 2011</i> (Cth) (WHS Regulations).</p> <p>3. The scope of the inspection was to determine if the worker was provided sufficient training, information and instruction regarding loading and unloading of a firearm, both during initial training and since graduation from the AFP training college.</p> <p>4. The risk/s to health and safety identified during the inspection was the risk of a worker being struck by a firearms projectile during the activity.</p>	



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OUTCOMES

5. Based on the information reviewed during the inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection.

Information and advice

6. The AFP must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. PCBU's (such as the AFP) should have regard to Part 3.1 of the WHS Regulations and the *Code of Practice: How to Manage Work Health and Safety Risks* when managing risks to health and safety. The PCBU must monitor and maintain control measures, particularly any interim controls, to ensure that they remain in use and effective.
7. Learnings regarding control measures as a result of the inspection should be applied across the organisation where applicable.
8. The inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the AFP has ensured the control measures are effective and are maintained so that they remain effective.
9. Comcare draws AFP's attention to their duties to consult, so far as is reasonably practicable, with workers and HSRs on work health and safety matters. Comcare encourages PCBU's to share inspector reports, or to provide access to relevant content or information regarding hazards and associated risks, with their workers, including Health and Safety Representatives (**HSRs**). PCBU's must, so far as is reasonably practicable, 'consult with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to work health or safety' (s 47) - WHS Act.
10. Compliance with this duty may be assisted by sharing health and safety information from inspector reports with relevant workers and/or their representatives. PCBU's should also note that HSRs are empowered to receive information relevant to their work groups, and that as a function of their role, may request access to inspector reports, or relevant information within them. Comcare encourages PCBU's to have regard to their consultation duties, and to their obligations to HSRs under the WHS Act when responding to such requests (see ss 49, 70(1)(a), 70(1)(c), 71 and 79(3)) - WHS Act.



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COMPLIANCE ASSESSMENT

11. I determined a site visit was not necessary to examine the incident scene. In this instance the information required was able to be obtained through the use of statutory powers.

s 47E(d)



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s 47E(d)



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s 47E(d)



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25. Based on this assessment I believe that the AFP have provided adequate training, information, instruction and supervision to the worker, as per s19(3)(f) 'Primary duty of care' of the WHS Act, to minimise the risk of the incident reoccurring. The inspection is now closed.

REPORT ISSUED BY	Inspector	s 22
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	Date	06/03/2025
	Signature	s 22



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- enforcement agencies or bodies
- state and territory Coroners
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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00037190
PCBU DETAILS	Name: Australian Federal Police ABN: 17 864 931 143
REPORT ISSUED TO	Name: s 47F Position: WHS Advisor, Shield People & Culture Command Cc:s 47E(d) @afp.gov.au
BACKGROUND	
<ol style="list-style-type: none"> On 14 January 2025 Comcare received information regarding an incident that occurred at Perth Domestic Airport (the workplace) Miller Road, Perth Airport in Western Australia (WA) on 13 January 2025. The information indicated an alleged assault of Australian Federal Police (AFP) officers (the workers) by a member of the public (the MOP), an airline passenger. I, s 22 (the Inspector) commenced an inspection in relation to this matter on 16 January 2025 to monitor compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act) and the <i>Work Health and Safety Regulations 2011</i> (Cth) (WHS Regulations). The scope of the inspection was to assess the control measures that the AFP had in place to minimise the risk of such incidents. A potential for harm arising from a risk of violence and aggression in the workplace while workers were carrying out their work was identified during the inspection. 	
OUTCOMES	
<ol style="list-style-type: none"> Based on the information reviewed during the inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection. 	
Information and advice	
<ol style="list-style-type: none"> AFP must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. AFP should have regard to Part 3.1 of the WHS Regulations and the <i>Code of Practice: How to Manage Work Health and Safety Risks</i> when 	



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managing risks to health and safety. AFP must monitor and maintain control measures, particularly any interim controls, to ensure that they remain in use and effective.

7. Learnings regarding control measures as a result of the inspection should be applied across the organisation where applicable.
8. The inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that AFP has ensured the control measures are effective and are maintained so that they remain effective.
9. Comcare draws the AFP's attention to their duties to consult, so far as is reasonably practicable, with workers and Health and Safety Representatives (**HSRs**) on work health and safety matters. Comcare encourages AFP to share inspector reports, or to provide access to relevant content or information regarding hazards and associated risks, with their workers, including HSRs. AFP must, so far as is reasonably practicable, 'consult with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to work health or safety' (s 47).
10. Compliance with this duty may be assisted by sharing health and safety information from inspector reports with relevant workers and/or their representatives. AFP should also note that HSRs are empowered to receive information relevant to their work groups, and that as a function of their role, may request access to inspector reports, or relevant information within them. Comcare encourages AFP to have regard to their consultation duties, and to their obligations to HSRs under the WHS Act when responding to such requests (see ss 49, 70(1)(a), 70(1)(c), 71 and 79(3)) WHS Act.

COMPLIANCE ASSESSMENT

11. I conducted an announced inspection at AFP's s 47E(d)
 . I informed the relevant HSR of my attendance to ensure their participation in the inspection process. The HSR accompanied me during the site visit.
12. AFP must ensure, as far as reasonably practicable, the health and safety of workers and others affected from work carried out as part AFP's business or undertaking, according to sections 19(1) and 19(2) of the WHS Act.
13. Based on the information reviewed, control measures implemented by AFP prior to the incident included, in part:
 - a. Ensuring officers hold a valid Operational Safety Qualification for use of force before being tasked with operational duties.



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- b. Implementing AFP Commissioner's Order on Operational Safety (CO3) through Operational Safety Practices setting out AFP policy and procedures in relation to operational safety and use of force practice, reporting, training, assessment and qualification and administration.
 - c. Providing Defensive Tactics Training as part of yearly operational safety assessments which included scenario-based training covering all aspects of use of force, operational communications, operational environmental considerations, testing compliance, de-escalation and use of restraints.
- 14. Information indicates the Duty Terminal Manager at Perth Airport requested police for Jetstar flight JQ988 from Sydney, arriving at Terminal Two, gate 3, due to a MOP (an airline passenger) behaving unruly and using offensive language towards the crew.
- 15. AFP informed me that when the four workers arrived at gate 3, they met the aircraft crew on the tarmac. The crew reported that the MOP was verbally disruptive but gave no details to indicate the MOP would no longer be a compliant escort. It is my understanding that the workers conducted a dynamic risk assessment based on the limited information available at the time. They were subsequently informed that the passenger had exhibited verbally abusive behaviour when asked to fasten their seatbelt during the aircraft descent.
- 16. Two workers (**Worker 1** and **Worker 2**) boarded the aircraft via the rear tarmac stairs. Worker 1 requested the MOP identify their bag and to disembark. The MOP complied, carrying their bag using the rear stairs to exit onto the tarmac with Worker 1 and Worker 2 following. At that time, the MOP was neither under arrest nor being detained but was being escorted from the aircraft by AFP workers. A gentle approach was applied to avoid any indignity. It is my understanding AFP's routine use of force requires a compliant search however there is no such requirement for a compliant escort.
- 17. In taking account and weighing up all relevant matters (i.e. what was known about the hazard or what a reasonable person in AFP's position would reasonably be expected to know), it appears prior to the incident AFP had implemented reasonably practicable measures consistent with section 18 'What is reasonably practicable in ensuring health and safety' of the WHS Act.
- 18. On reaching the tarmac the MOP quickly walked away the workers. **Worker 2** approached the MOP and attempted an approved arm escort hold, at which point the MOP forcefully pulled away from the worker. The MOP persistently resisted with significant force. The MOP had a pen hidden in the sleeve of in their jumper. The MOP initially struck the right forearm of Worker 2 with their left hand. **Worker 3** was waiting on the tarmac, attempted to restrain the MOP at which time the MOP has struck Worker 3's face and neck, with a pen, lodging a piece of the pen beneath the skin below the right eye. The MOP and



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Worker 3 fell to ground and **Worker 4** was also waiting on the tarmac, assisted in handcuffing MOP. Soon after, Worker 1 noticed two large pen scrapes on their right forearm and one smaller scrape on their left forearm.

19. The MOP into custody and was taken to the Terminal Two first aid room for medical assessment. Afterward, WA police took the MOP into their custody.
20. Based upon the information reviewed, control measures implemented by AFP in relation to the incident included the following in summary:
 - a. Immediate medical assistance provided to injured workers
 - b. Ambulance services attended to the injured workers
 - c. Worker 3 was transported to Royal Perth Hospital for further treatment
 - d. MOP was assessed post-incident and deemed fit for custody where support services were also made available
 - e. Provisions for and offer of psychological support for the workers involved
 - f. Post incident briefing with AFP on call inspector
21. At the time of writing this inspector report it is my understanding Worker 3 has not returned to operational duties.
22. I satisfied that both pre- and post-incident actions taken so far by AFP in managing the risk of violence and aggression in the workplace with required duties as per section 19 of the WHS Act.
23. In consideration of the circumstances of the incident and based upon this assessment, I formed a reasonable belief AFP complied with its duties under section 19(1) and 19(2) of the WHS Act, requiring as far as reasonably practicable that AFP ensure the health and safety of workers and others affected by it conducting a business or undertaking. The inspection is now closed.

REPORT ISSUED BY	Inspector	s 22
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