



INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00022406
PCBU DETAILS	Name: Department of Defence ABN: 68706814312 ACN:
REPORT ISSUED TO	Name: s 47F Position: Director - Strategy and Policy, WHS Branch, Department of Defence Cc: Regulator Relations
BACKGROUND	
<ol style="list-style-type: none">1. On 14 June 2021, Comcare was made aware of the allegations of bullying and harassment of officer cadets (OCDTs) at the Sydney University Regiment (SUR), Holsworthy Army Barracks, NSW 2173.2. It was alleged that <i>'OCDTs were subjected to verbal abuse and inappropriate actions and comments made by their superiors, unlawful room searches, and a nearly three-month period in which cadets were forced to work seven days a week without time off'</i> (The Allegations).3. Comcare commenced an inquiry in relation to this matter on 16 June 2021, to monitor and 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 Regulations)</i>.4. The scope of the inquiry was to determine the validity of the concerns raised and to verify that the Department of Defence complied with their duties under the <i>WHS Act</i> and <i>WHS Regulations</i>.5. During the inquiry, Comcare inspectors identified contraventions of the <i>WHS Act</i> and <i>WHS Regulations</i> by the Department of Defence resulting in failure to manage the risks to health and safety of workers, by exposing them to the risks of psychological harm and fatigue.	
OUTCOMES	
<ol style="list-style-type: none">6. The inspector formed a reasonable belief that the Department of Defence did not comply with its duties under the <i>WHS Act</i> and <i>WHS Regulations</i>. The Department of Defence has contravened the following:<ol style="list-style-type: none">a. <i>WHS Act section 19(1) - Primary duty of care</i>b. <i>WHS Act section 19(3)(c) - The provision and maintenance of safe systems of work</i>	



- c. *WHS Regulation, Part 3.2, regulation 55C - Managing psychosocial risks.*

Compliance and enforcement measures

7. An Improvement Notice MC00022406-NT12 was issued on 11 July 2023 requiring the Department of Defence to undertake risk assessments and implement control measures in relation to psychosocial hazards that can cause physical and psychological harm to workers involved in the delivery and undertaking of the officer cadet training course at SUR (*a copy of the notice is attached*).

Remedial actions

8. The following actions are to be taken to remedy the contravention as discussed with the Department of Defence:
- a. Conduct a risk assessment to identify psychosocial hazards that could give rise to risks to the health and safety of workers, including officer cadets and instructional staff at SUR. The risk assessment should include identification of hazards and risks associated with fatigue, job demands, poor support, poor organisational justice, and bullying and harassment including sexual harassment.
 - b. Based on the risk assessment conducted, identify, and implement reasonably practicable control measures relating to psychosocial hazards that are identified as required to eliminate or minimise risks to the health and safety of workers at SUR, including officer cadets and instructional staff.
9. Control measures should be implemented as soon as possible. Comcare will conduct a Verification Inspection within three (3) months to verify completion of these actions.

Information and advice

10. The Department of Defence 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, Management of Risks, WHS Act*).
11. The Department of Defence should have regard to:
- a. *Part 3.1, Managing risks to Work Health and Safety, WHS Regulations* and,
 - b. *Regulation 55D, Part 3.2, WHS Regulations*



12. The Department of Defence must monitor and maintain control measures, particularly any interim controls, to ensure that they remain in use and that they are effective.
13. In relation to this matter, the Department of Defence should consider following:
 - a. [Work Health and Safety \(How to Manage Work Health and Safety Risks\) Code of Practice 2015](#)
 - b. [Model Code of Practice: Managing psychosocial hazards at work | Safe Work Australia](#)
 - c. *ISO 45003:2021 - Psychological health and safety at work - Guidelines for managing psychosocial risks.*
 - d. [Supporting mentally healthy workplaces | Comcare](#)
 - e. [Psychosocial hazards | Comcare](#)
14. Learnings regarding control measures as a result of this inspection should be applied across the organisation where applicable.
15. 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 Department of Defence has ensured that appropriate control measures are implemented and are maintained so that they remain effective.

COMPLIANCE ASSESSMENT

16. Comcare inspectors attended Holsworthy Barracks and other sites on several occasions in the conduct of the inquiry. The site visits were conducted as announced inspection.
17. At the time of the visits, the inspectors were not accompanied by the relevant Health and Safety Representative/s (HSRs).
18. In the course of the Comcare inquiries, Comcare issued eleven (11) notices requesting information and documents under section 155 of the *WHS Act* and conducted thirty-nine (39) interviews under section 171 of the *WHS Act* with workers at SUR, including instructional staff and officer cadets.
19. The interviewees gave evidence of a number of psychosocial hazards including:
 - a. **High job demands and fatigue** - concerns were raised by a number of interviewed SUR instructional staff that the long hours of work have had an adverse psychological impact on their health and wellbeing with one member needing the support from a mental health professional to deal with anger management and



cope with the job demands pressures. The primary complaint among the officer cadets was the lack of downtime during the consolidation weeks between the training blocks. They claimed that they were not given any time to revise and prepare for the next stage of their training, and that they were tired going into each training block with the issue being compounded as the course progressed.

- b. **Poor support** - SUR instructional staff raised concerns that they were understaffed and under resourced. Evidence has been provided which shows that a number of requests for additional staff, including female instructors, drivers, and civilian clerical staff, were escalated up the chain of command but were subsequently denied. Interviewed SUR instructional staff claimed that a number of clerical positions have not been filled, which further contributed to increase in the administrative burden on the instructional staff. Furthermore, SUR lacked internal psychological support resources, apart from a part-time chaplain. Evidence suggests that even though the number of officer cadets undertaking training at SUR is commensurate with RMC Duntroon (RMCD) numbers, RMCD in comparison has their own team of psychologists as well as three full-time and two part-time chaplains.
- c. **Poor organisational justice** - several allegations were raised by officer cadets relating to procedural fairness, with the most prominent one being the conduct of 'unlawful' room searches and room inspections which resulted in, according to the officer cadets, a number of unwarranted infringements being issued to officer cadets. This matter is a subject of a separate investigation by the Inspector General of the Australian Defence Force which is still ongoing.
- d. **Bullying and harassment, including sexual harassment** - allegations were made by officer cadets about SUR instructional staff displaying bullying behaviour towards them. Allegations varied from instances of SUR instructional staff directing personal insults at officer cadets, verbal aggression, abuse of power through unjustifiable use of infringements, and discrimination. In addition, allegations were made of inappropriate sexualised comments made by SUR instructional staff directed towards female cadets and unwarranted searches of their underwear drawers by male SUR instructional staff.

20. During the inquiry and through issuance of notices under section 155 of the *WHS Act*, Comcare obtained information and documents in relation to the Department of Defence's existing system of work related to the management of psychological health and safety of workers and officer cadets.



21. Based on the information reviewed, control measures implemented by the Department of Defence in relation to the risk at the time of the incident were, but not limited to:

- a. The Complaints and Alternative Resolutions Manual (CARM)
- b. Safety Man Fatigue Management Policy
- c. Army Reserve OCC Staff Joining Instruction - 2021
- d. Army Reserve OCC Staff Joining Instruction - Dec 22
- e. Army Reserve OCC Staff Joining Instruction - Feb 23
- f. Army Reserve OCC Trainee Joining Instruction Gap Year - 2021
- g. Army Reserve OCC Trainee Joining Instruction FARO - 2021
- h. Army Reserve OCC Trainee Joining Instruction - Dec 22
- i. Army Reserve OCC Trainee Joining Instruction - Feb 23
- j. Part Time OCC Staff Joining Instruction - Feb 23
- k. Part Time OCC Trainee Joining Instruction - Feb 23
- l. Risk Assessment – Army Reserve OCC Training - 2021
- m. Risk Assessment – Army Reserve OCC Training Bloc 2 – 25 Feb 23
- n. Standing Order (SUR) PERS 1-11 Welfare
- o. Standing Order (SUR) PERS 1-12 Individual Readiness
- p. Standing Order (SUR) PERS 1-13 Medical and Dental
- q. Standing Order (SUR) PERS 1-14 Adult Trainee Leave Policy
- r. Standing Order (SUR) PERS 1-15 Defence Youth Protection Safety Management and Admin within SUR
- s. Standing Order (SUR) PERS 1-5 Leave Management
- t. Standing Order (SUR) PERS 3-11 Performance Management and Performance Appraisal Reporting



- u. SUR Health Support Plan – 23 Feb 23
 - v. SUR Routine Orders 1/23
22. On 27 February 2023, I issued a further notice under section 155 of the *WHS Act* to the Department of Defence which required the provision of information and documents in relation to any improvements to the management of psychosocial hazards and fatigue at SUR for the purposes of identifying if control measures had been put in place with respect to the risks associated with high job demands, poor support, poor organisational justice, and bullying and harassment including sexual harassment.
 23. In this request I sought copies of any current risk assessment/s undertaken by the Department of Defence in relation to managing the risks of psychosocial hazards and fatigue when delivering officer cadet course at SUR.
 24. The response I received, which included a document titled '*Risk Assessment – Army Reserve OCC Training Block 2 25 Feb 23*', provided no indications that fatigue and psychosocial hazards like high job demands, poor support, poor organisational justice, and bullying and harassment including sexual harassment, were considered and assessed as risks to the health and safety of workers, including instructional staff and officer cadets at SUR.
 25. On 11 May 2023, I entered Holsworthy Army Barracks with another Comcare inspector in accordance with section 163 of the *WHS Act* and conducted interviews under the section 171 of the *WHS Act* with the senior officers at SUR to inquire about the arrangements or systems in place for the management of psychosocial and other risks during the officer cadet training course.
 26. Interviewed personnel stated that the '*Risk Assessment – Army Reserve OCC Training Block 2 25 Feb 23*' is the current risk assessment and no further identification and management of psychosocial hazards has been undertaken at SUR.
 27. The above-mentioned document identifies adverse weather conditions and the risk of serious injury as the only risks associated with the delivery of the officer cadet training program.
 28. I consider that the existing system of work is not adequate in managing risks arising from psychosocial hazards because it does not address how the SUR manages job demands, organises work, and supports workers in a way that eliminates or minimises risks to the health and safety of workers at the SUR, including instructional staff and officer cadets.
 29. Based on the information provided to Comcare during the course of these inquiries, including the interviews conducted on 11 May 2023, I am satisfied that there are risks to



health and safety of workers including officer cadets at SUR as the result of high job demands and inadequate support.

- 30. There is no evidence of a risk assessment being undertaken at SUR in relation to work design and resources needed to deliver the training program safely without exposing workers, including instructional staff and officer cadets, to the detrimental impacts of high work demands and inadequate support on their health.
- 31. Furthermore, there is also no evidence of risk assessments being undertaken in relation to managing risks of bullying and harassment including sexual harassment since the allegations of such conduct were first made at SUR.
- 32. I am not satisfied, based on my enquiries, that these risks are being managed in accordance with the *WHS Act* and the *WHS Regulations* and I have no reason to believe that there have been any subsequent changes to the circumstances at SUR since the time of my visit to Holsworthy Army Barracks on 11 May 2023.
- 33. Therefore, I have formed the reasonable belief that the Department of Defence is contravening sections 19(1) and 19(3)(c) of the *WHS Act* and regulation 55C of the *WHS Regulations*, by failing to undertake risk assessments and implement control measures in relation to psychosocial hazards that can cause physical and psychological harm to those workers involved in the delivery and undertaking of the officer cadet training course at SUR.
- 34. I am further aware that the officer cadet training continues to take place periodically at the SUR and therefore that the risk to health and safety is ongoing.
- 35. Based on this assessment, I have formed a reasonable belief that the Department of Defence is not complying with its duties under the *WHS Act* and *WHS Regulations* and that verification inspection will be conducted no sooner than 13 October 2023, to verify that Comcare directions stated in the improvement notice have been followed, and suitable controls implemented.
- 36. This inspection is now closed.

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	Date	26/07/2023	
	Signature	s 22	



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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.

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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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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.

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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.

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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	MC00022406-VR01
PCBU DETAILS	Name: Department of Defence ABN: 68706814312 ACN:
REPORT ISSUED TO	Name: s 47F Position: SO2 Safety Incident Management, Directorate of Work Health and Safety - Army HQ Cc: Regulator Relations
BACKGROUND	
<ol style="list-style-type: none">1. On 14 June 2021, Comcare was made aware of the allegations of bullying and harassment of officer cadets (OCDTs) at the Sydney University Regiment (SUR), Holsworthy Army Barracks, NSW 2173.2. It was alleged that <i>'OCDTs were subjected to verbal abuse and inappropriate actions and comments made by their superiors, unlawful room searches, and a nearly three-month period in which cadets were forced to work seven days a week without time off'</i> (The Allegations).3. Comcare commenced an inquiry in relation to this matter on 16 June 2021, to monitor and enforce compliance with the Work Health and Safety Act 2011 (Cth) (WHS Act) and the Work Health and Safety Regulations 2011 (Cth) (WHS Regulations).4. An Improvement Notice MC00022406-NT12 was issued on 11 July 2023 requiring the Department of Defence to undertake risk assessments and implement control measures in relation to psychosocial hazards that can cause physical and psychological harm to workers involved in the delivery and undertaking of the officer cadet training course at SUR.5. On 27 July 2023, Comcare issued an Inspector Report for MC00022406 noting the following remedial action by the Department of Defence and advising that a Verification Inspection would be undertaken:<ol style="list-style-type: none">i. Conduct a risk assessment to identify psychosocial hazards that could give rise to risks to the health and safety of workers, including officer cadets and instructional staff at SUR. The risk assessment should include identification of hazards and risks associated with fatigue, job demands, poor support, poor organisational justice, and bullying and harassment including sexual harassment.ii. Based on the risk assessment conducted, identify, and implement reasonably practicable control measures relating to psychosocial hazards that are identified as required to eliminate or minimise risks to the health and safety of workers at SUR, including officer cadets and instructional staff.	



6. On 17 October 2023, Comcare commenced a Verification Inspection to monitor Department of Defence progress against the remedial actions identified in the Inspector Report MC00022406 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

7. Based on the information reviewed during the Verification Inspection, I did not identify any non-compliance with the WHS Act and WHS Regulations with respect to the scope of the inspection.
8. 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.
9. 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 Department of Defence 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 remedial actions at paragraph (5) and sufficient information was able to be obtained through the use of statutory powers.
11. I noted the following during the Verification Inspection:
 - i. Document titled '231013 - SUR Risk Assessment 163291' that addresses the directions outlined in the improvement notice MC00022406-NT12.
 - ii. Document titled '231013 - SUR Risk Control Sheet Summary' that addresses the directions outlined in the improvement notice MC00022406-NT12.
12. Based on this assessment I did not identify any non-compliance with the WHS Act and WHS Regulations with respect to the scope of the inspection and the Verification Inspection is now closed.



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	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



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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
- 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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