Form A54

NOTICE OF A WHS DISPUTE

section 102B of the Work Health and Safety Act 2012

SOUTH AUSTRALIAN EMPLOYMENT TRIBUNAL

Application ID	Application lodged	SAET case number (if blank, quote Application ID)
24597427	28/10/2026 12:10:54 PM	ET-26-05067

About this form

This is a copy of the details of an application lodged online to the South Australian Employment Tribunal (SAET) in relation to A Notice of WHS Dispute (section 102B of the Work Health and Safety Act 2012)

APPLICATION SUMMARY

Application type

A Notice of WHS Dispute (section 102B of the Work Health and Safety Act 2012) (WHS-09)

Applicant(s)

Public Service Association of SA (Union)

Nominated contact: Mr Zack Jackman

Represented by
Not represented

Respondent(s)

Attorney General's Department (Employer)

Nominated contact: Ms Samantha Wilkinson

Application Details

Are there any other proceedings before SAET involving the same parties to this application?
No

Is this matter urgent?
No

DETAILS OF THE DISPUTE

WHS matter subject of the dispute

This dispute (as defined in s 102A of the Work Health and Safety Act 2012 is in relation to: [Please pick one or more of the options below)

A matter about work health and safety that is an issue to which division 5 of the Work Health and Safety Act 2012 applies.

Summary of Dispute

Please outline the issues in dispute between the parties: [Please note that any details you provide will be published on the SAET website and will be viewed publicly.]

THE DISPUTE

1. The Public Service Association of South Australia Inc ("PSA") represents our member who is an employee of the Department for Child Protection ("DCP").

2. Our member has had a Safety Plan with DCP since 20 February 2026 in relation to her former partner, also an employee of DCP, concerning matters of Family and Domestic Violence. (Attachment A)

3. Our member currently holds an Enforceable Domestic Violence Interim Intervention Order issued by the Court against her former partner.

4. It is the view of the PSA that the Safety Plan is not sufficient for the following reasons:

4.1. A Safety Plan was developed for our member's former partner in or around early December 2025 without consultation with our member.

4.2. Our member's Safety Plan, developed months later, was then developed to accommodate the existing plan that DCP had developed for her former partner.

4.3. These plan(s) do not prevent email communication from our member's former partner to her (despite DCP's insistence that they do). One recorded instance of this occurred on 17 April 2026, where her former partner sent an email to a group distribution list which included our member's email address.

4.4. These plan(s) do not prevent access by our member's former partner to buildings at our member's regular workplace, and have impacted her work flexibility. This a particular issue on Tuesdays, where our member is required by her Safety Plan to work from home, while her former partner has access to her regular workplace in Salisbury.

4.5. There still exists a risk of her former partner having access to our member's whereabouts, such as when she is at work, and when she is at home, and when she has a rostered day off.

5. The PSA therefore requested the appointment of the inspector by SafeWork SA pursuant to s82 of the Work Health and Safety Act 2012 at 1:56pm on Tuesday 13 October 2026. (Attachment B)

6. The PSA received notification at 9:59am on Wednesday 14 October 2026, that SafeWork SA would not be taking any further action in relation to this matter. (Attachment C)

SAFETY HAZARDS

7. The inadequate Safety Plan put in place by DCP gives rise to significant physical and psychosocial hazards.

8. A physical hazard exists due to our member's former partner having knowledge of her work location, given this is fixed and unable to be changed unilaterally by our member. This is also the case for our member's work from home day, which is set by the plan for Tuesday of each week.

8.1. Further, on each Tuesday, our member's former partner is allowed by the Safety Plan(s) to have access to the Salisbury office of DCP, where our member's regular work desk is located. This is a further physical hazard for our member, and an ongoing risk of violence, intimidation or escalation.

9. There exist multiple psychosocial hazards due to the inadequacy of the Safety Plan(s) to ensure our member's safety at work:

9.1. Ongoing fear, apprehension and hypervigilance arising from the possibility of encountering her former partner at work.

9.2. Working alone, including times outside ordinary business hours, while a person subject to an Intervention Order (her former partner), retains access to the workplace, potentially limiting our member's ability to obtain immediate assistance in the event of an unexpected encounter or incident.

9.3. Our member had limited control over work location, attendance arrangements and measures required to maintain her personal safety because those arrangements have been determined without meaningful consultation with her, being the worker affected by the risk, and without adequate consideration of the changed safety circumstances.

9.4. Perceived and actual lack of procedural, informational and interpersonal fairness in the Human Resources management of a workplace safety matter involving an existing Intervention Order.

9.5. Inadequate organisational support in managing an identified psychosocial safety risk, resulting in having to repeatedly raise concerns and seek appropriate controls regarding workplace access, separation and incident management.

9.6. Insufficient clarity regarding roles. Responsibilities and procedures for responding to an unexpected breach or escalation involving her former partner.

REASONABLE EFFORTS TO RESOLVE

10. Our member completed GovSafety reports in relation to the above hazards on 13 February 2026, 23 March 2026, and 17 April 2026.

11. The PSA wrote to DCP on 4 June 2026 (Attachment D), outlining the above concerns, and a further concern regarding a lack of response to our member's safety reports.

12. DCP wrote to the PSA responding to these concerns on 17 June 2026 (Attachment E), outlining:

12.1. Both parties alleged that the other was the perpetrator of Domestic and Family Violence.

12.2. Our member's Safety Plan was not able to be implemented at the same time as her former partner's due to a scheduling delay.

12.3. Her former partner has an operational need to attend our member's regular workplace.

12.4. DCP would not change the Safety Plan(s) to clearly state that our member's former partner must not contact our member by work email, including group distribution lists.

12.5. Any breaches of the Intervention Order were a matter for SA Police.

12.6. That the GovSafety reports had been reviewed, considered and followed up with line management, without a separate written response to our member.

13. The PSA further wrote to DCP on 24 June 2026 (Attachment F), responding to this letter outlining five remaining concerns:

13.1. Lack of response to the latter two GovSafety reports.

13.2. Lack of consideration of the content of the latter two GovSafety reports.

13.3. That the requirement for our member's former partner not to communicate via email to our member's work email address should be included in the Safety Plan(s).

13.4. That the Safety Plan(s) had not been reviewed by DCP, in consultation with our member, since the Interim Intervention Orders were finalised by the Court, as was agreed when the Safety Plan was put in place.

13.5. That the risk of access to our member's whereabouts, including rostered days off, has not been adequately addressed by DCP.

14. DCP responded to this further correspondence on 8 July 2026 (Attachment G), raising that:

14.1. "It is also important to recognise that both employees are employed by the department and work within the same Directorate. As such, there may be occasions where they see each other's names on work-related documents, emails or departmental distribution lists. Such incidental exposure is an unavoidable consequence of working within the same organisation and does not, in itself, constitute contact or a breach of the safety plan, or evidence that [our member]'s workplace safety has been compromised."

14.2. "The existing safety plan, together with the written directions issued to [our member's former partner] and the ongoing management oversight in place, appropriately manages the identified workplace risks."

14.3. The Department does not have any 'evidence' of our member's former partner breaching the Safety Plan(s), either by accessing roster information, or attending our member's workplace in her presence.

Worksite(s) where dispute exists. (Please add address details)

[redacted]

What is the outcome you seek at the Tribunal?

Please outline the outcome you seek from the Tribunal. [Please note that any details you provide will be published on the SAET website and will be viewed publicly.]

REMEDIES SOUGHT

15. The PSA maintains concerns that our member is not adequately protected from her abuser by her employer, which considers her former partner working in the same Directorate to still be appropriate, even if it gives rise to "incidental exposure".

16. The PSA is concerned DCP have not investigated concerns raised by our member relating to her former partner's access to her roster patterns, rather waiting for evidence to be provided to them. In any case, that DCP doesn't consider inappropriate a Safety Plan that prescribes our member's exact whereabouts to her abuser, nor that he may have access to her workplace when she is not there, is of significant concern to the PSA.

17. The PSA therefore considers that a review of the Safety Plan(s) to be appropriate, including:

17.1. A review of the working arrangements of both parties, such that the risk of our member's former partner contacting our member, even incidentally, is eliminated, and that prevents her former partner having knowledge of her work location on any given day. This should explicitly include her former partner not having security access to the building our member regularly works in.

17.2. The inclusion of email correspondence in the Safety Plan(s), such that it is enforceable by a Court.

17.3. The Department conducts a thorough investigation into the discovery of our member's roster by her former partner, including obtaining evidence from its information technology systems or employees.

Compliance Powers

Has a decision been made by an Inspector to exercise, or not to exercise, compliance powers under part 10 to assist in resolving the dispute subject to review under part 12 of the Work Health and Safety Act 2012
Yes

Upload Decision
System.Byte[]

Provide the decision details
Attachment B - PSA email to Safework SA

Attachment C - Email indicating Safework SA "will not be taking any further action in relation to this matter at this time"

Supporting Attachments

Are there any supporting documents that you wish to attach to this form?
Yes

Upload Supporting Attachments
System.Byte[]

Provide a brief description of any attachments supporting this application.
Attachment A - Safety Plan

Attachment D - PSA Letter notifying hazard

Attachment E - DCP Response to hazard

Attachment F - PSA Letter notifying WHS dispute

Attachment G - DCP response to dispute notification

Publication Notice

I acknowledge that this Notice will be published on the SAET Website and will be view publicly.
checked

LODGEMENT DECLARATION

By lodging this application, I declare that:

- I am the applicant, or I am legally authorised to lodge this application
- To the best of my knowledge, all information provided in this application is true and correct
- I will attach all relevant supporting documents to this application form
- I understand that the information provided will be used to determine eligibility to initiate proceedings
- I understand that a copy of this application may be sent to others who may have a direct interest in the proceedings. The South Australian Tribunal Act 2014 governs what information is available to be viewed publicly

I agree

Name of person lodging the application