

Our reference: CFCFOI2021-004

Ms [REDACTED]

via email: [REDACTED]

Dear [REDACTED]

FREEDOM OF INFORMATION (FOI) REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Cultural Facilities Corporation (CFC) on 4 February 2021.

Specifically, you have requested:

- 1) *In relation to a memo sent by [REDACTED] to [REDACTED] and [REDACTED] on 12 December 2019, titled 'Preliminary Assessment', access to all documents associated with the conversations [REDACTED] claims took place in November 2018 or February/March 2019 with regard to access and security issues.*
- 2) *Access to all documents relating to a previous occurrence of 'performance management', noted in an email sent by [REDACTED] to [REDACTED] and [REDACTED] on 12 December 2019, titled 'Preliminary Assessment', including but not limited to the notification that you were being performance managed under the terms set out in section H of the CFC Enterprise Agreement (CFC EA).*
- 3) *Access to the evidence of your refusal of further training.*
- 4) *access to the metadata associated with all of the documents relating to points 1, 2 and 3 (above).*

Authority

I am an Information Officer appointed by the Chief Executive Officer under section 18 of the Act to deal with access applications made under part 5 of the Act.

Timeframes

In accordance with section 40 of the Act, CFC was required to provide a decision on your access application by 4 March 2021.

Decision on access

In relation to:

- 1) *In relation to a memo sent by [REDACTED] to [REDACTED] and [REDACTED] on 12 December 2019, titled 'Preliminary Assessment', access to all documents associated with the conversations [REDACTED] claims took place in November 2018 or February/March 2019 with regard to access and security issues.*

Searches were completed for relevant documents and the meeting notes of a phone conversation between [REDACTED] and yourself on 6 February 2019, and an email documenting the meeting between [REDACTED], yourself and myself on 28 February 2019 were identified that fall within the scope of your request.

I have decided to grant full access to these documents. These documents are released to you pursuant to section 35(1)(a) of the *Freedom of Information Act 2016*, and are provided at document 1 and document 2 under Attachment B to this letter.

A search of CFC records has failed to identify any documentation in relation to verbal or telephone conversation around the November 2018 period. Pursuant to section 35(1)(b) of the *Freedom of Information Act 2016* I have decided that the information that you have requested is not held by the Cultural Facilities Corporation.

- 2) *Access to all documents relating to a previous occurrence of 'performance management', noted in an email sent by [REDACTED] to [REDACTED] and [REDACTED] on 12 December 2019, titled 'Preliminary Assessment', including but not limited to the notification that you were being performance managed under the terms set out in section H of the CFC Enterprise Agreement (CFC EA).*

- 3) *Access to the evidence of your refusal of further training.*

Searches were completed for relevant documents and the emails contained in the email trail (12 pages) were identified that fall within the scope of your request.

I have decided to grant full access to these documents. These documents are released to you pursuant to section 35(1)(a) of the *Freedom of Information Act 2016*, and are provided at document 3 under Attachment B to this letter.

- 4) *access to the metadata associated with all of the documents relating to points 1, 2 and 3 (above).*

I contacted you by email 3 March 2021 to clarify the details of the metadata you have requested. Your email 3 March 2021 confirmed it would be best to provide the

documents to you in their current form rather than as PDFs. If this was not possible, the details of the file creation date, author, edits, and other information from the document properties will suffice.

I have decided to grant full access to the metadata of the above documents. This information is released to you pursuant to section 35(1)(a) of the *Freedom of Information Act 2016*, and is provided both in an electronic file of the meeting notes of document 1, the telephone conversation notes of document 2, and the emails in document 3, and is also captured/contained within the document 3 under Attachment B to this letter, where the details of each email's From:, Sent:, To: Cc:, and Subject: are provided.

I have attached a Schedule of Documents at Attachment A to assist.

Additional Charges

Pursuant to *Freedom of information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this request because the total number of pages to be released to you is below the charging threshold of 50 pages.

On-line publishing – Disclosure Log

Under section 28 of the Act, CFC maintains an online record of access applications called a disclosure log. Details regarding your application, decision notes, and information released to you must be recorded in the disclosure log and be made publicly available between three and ten working days after the decision on access has been given to you. Please be aware that while an application for personal information will not be included in the published information, all other information will be included in the disclosure log and published on <http://www.culturalfacilities.act.gov.au/>.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from my deemed decision is published in CFC's disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at :

The ACT Ombudsman

GPO Box 442

Canberra ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at :

ACT Civil and Administrative Tribunal
Level 4, 1 Moore Street
GPO Box 370
Canberra City ACT 2601
Telephone : (02) 6207 1740
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on (02) 6205 2195 or email ian.tidy@act.gov.au.

Yours sincerely



Ian Tidy
Chief Finance Officer
Cultural Facilities Corporation
4 March 2021

Attachment A

Schedule of Documents

FOI Request CFC2021004

Doc No.	Date	Pages	Description of Document	Decision on access	Exemption
1.	6 February 2019	2	<i>Notes from phone conversation 6 February 2019 between [REDACTED] and [REDACTED]</i>	Full access under s 55(1)(a)	-
2.	28 February 2019	2	<i>Notes from meeting 28 February 2019 between [REDACTED], [REDACTED] and [REDACTED]</i>	Full access under s 55(1)(a)	-
3.	From 10 May 2019 to 29 July 2019	17	<i>Attachment B - Email documents - documents relating to a previous occurrence of 'performance management' and evidence of refusal for further training (includes metadata)</i>	Full access under s 55(1)(a)	-
4.	From 10 May 2019 to 29 July 2019	-	<i>Metadata for above – electronic file</i>	Full access under s 55(1)(a)	-

Attachment B

**Documents 1 to Document 4 of the schedule
provided under Attachment A**

Document 1 - *Notes from phone conversation 6 February 2019 between [REDACTED] and [REDACTED]*

Phone conversation between [REDACTED] and [REDACTED] at 4.38 pm 6th February, 2019

[REDACTED] returned [REDACTED] calls/voicemail at 4.38 pm made from [REDACTED]

(From the outset of the conversation [REDACTED] came across as aggressive and argumentative.)

[REDACTED] asked why [REDACTED] shifts had been cancelled?

I advised [REDACTED] that in light of the evacuation Monday night and our then identification that [REDACTED] was no longer current in [REDACTED] Fire/Safety training, we did not want [REDACTED] doing any more shifts until [REDACTED] was trained in current procedures.

[REDACTED] asked if the process [REDACTED] followed during Monday's evacuation was incorrect?

I advised that [REDACTED] handled the situation well, however there were several lessons learned and areas that could be improved upon. The Fire/safety training on Friday, 15th February, 2019 will address these areas and a debrief of the Monday night evacuation will be part of the program.

[REDACTED] asked if anyone other staff shifts had been cancelled or was this just a case of bullying? I advised [REDACTED] that the training was compulsory for all [REDACTED] however the other [REDACTED] are current in their training or their shift is also with a [REDACTED] that is current so [REDACTED] is not being signalled out. All the shifts [REDACTED] was being cancelled on there were no other [REDACTED] on duty.

I also asked [REDACTED] if [REDACTED] had any additional details of the evacuation or feedback that we could include in a debrief in addition to [REDACTED] report that [REDACTED] wanted to share or had [REDACTED] had any discussion with [REDACTED] or [REDACTED] yesterday or today. I advised that the training would incorporate a debrief of the evacuation that took place and will include feedback provided by all relevant parties.

[REDACTED] response was that [REDACTED] did not believe [REDACTED] needed to contact anybody else and expected that [REDACTED], [REDACTED] or myself should have been in contact with [REDACTED], to ensure [REDACTED] was OK from the evacuation and display a duty of care towards [REDACTED] wellbeing.

I conveyed to [REDACTED] that I was generally happy with [REDACTED] handling of the situation, and asked if [REDACTED] was feeling OK at which point [REDACTED] laughed and said a bit late to asking that now. Obviously you do not feel the evacuation was handled properly if you have cancelled my shifts.

I then said to [REDACTED] that as I had indicated in the email the fact that you are not current in your training is why the shifts have been cancelled.

[REDACTED] then claimed [REDACTED] had not seen the email and asked where I had sent it to.

I advised that the email was sent to [REDACTED]@act.gov.au account which [REDACTED] claimed [REDACTED] was not able to access until [REDACTED] attended a shift at the Theatre and as such did not receive the email. [REDACTED] gave me [REDACTED] private email [REDACTED] to which I immediately forwarded the email.

I advised [REDACTED] what I had stated in the email and that the cancelling of [REDACTED] shifts and required [REDACTED] to attend the scheduled training Friday week. I advised [REDACTED] that I was not bullying [REDACTED] and singled [REDACTED] out. The Fire/Safety training was compulsory for all [REDACTED] and the only way [REDACTED] could work as a [REDACTED] would be if there were two shows on at the same time and the other [REDACTED] was current in their Fire/Safety training.

I also indicated to [REDACTED] in the email that, "On a separate issue regarding staff management and procedures I would like to meet with you at a suitable time. Maybe we can meet an hour before the 3.00 pm training or a separate time and date that suits."

█████ advised that █████ refused to attend a meeting without being told what it was about and asked me to provide █████ details of what we would be meeting about.

I said that I did not want to conduct the meeting over the phone but there were a few areas that I wanted to discuss further, being a recent breach of access to the venue when employed by a client who was operating in the venue on 30th November, also security issue around locking up at end of night – two left open on Monday night so I just wanted to go through the procedures, the third item being around Acceptable Use policy and the ACT government Social Media Policy. █████ wanted to know what I was meaning about Social Media. I indicated that █████ had made references on █████ personal Facebook page about the Canberra Theatre evacuation that were possibly considered inappropriate.

The majority of █████ shifts were standalone shifts that did not have another █████ working at the same time. I also raised the duty of care issue of █████ working too many shifts when █████ is also holding a fulltime job. █████ had worked █████ last week in addition to █████ fulltime job. █████ laughed and said you are concerned with my health and your duty of care, what a joke. You use duty of care when suits you. █████ then said that the hours █████ works outside of CTC is █████ business and not CTC's. I advised that the cancelling of █████ shifts created a strain on our existing resources however we were able to cover █████ shifts at least until Friday, 15th February, 2019.

Document 2 - *Notes from meeting 28 February 2019 between [REDACTED], [REDACTED] and [REDACTED]*

[REDACTED]

From: [REDACTED]
Sent: Thursday, 28 February 2019 4:17 PM
To: [REDACTED]
Subject: Record of Meeting [REDACTED].Thu 28 Feb [SEC=UNCLASSIFIED]

Hi [REDACTED]
Record of my notes from meeting with [REDACTED] today.
Thanks
[REDACTED]

Thu 28 Feb

1pm Meeting with [REDACTED]

Opportunity for [REDACTED] to clarify some of points raised in letter

[REDACTED] and [REDACTED] advised that this meeting's purpose was to facilitate a meeting with [REDACTED] where [REDACTED] would talk through all the issues

[REDACTED] still [REDACTED] wanted [REDACTED] expressed on issues:-

Provision of [REDACTED] with an alc beverage following the fire evac was in [REDACTED] opinion an action taken out of duty of care to debrief the staff immediately, some staff had been subjected to substantial abuse from patrons, didn't know if they had done the right thing, gave [REDACTED] mobile in case they wanted to talk privately and make sure they were OK. Everyone was signed off.

Didn't see it was any different from the other staff attending opening nights and having several drinks - [REDACTED] responded that there is a Hospitality Process in place for that and could have been done without alc - staff stay and are paid an extra half hour.

[REDACTED] in phone call was rising past issues that had already been dealt with - believed that they were sorted - issue was dealt with on the night by [REDACTED]

Concerned about what the current issue is here?

Concerned that [REDACTED] is being singled out?

Wants reassurance that procedures will be fairly applied to all

Still doesn't understand why [REDACTED] was taken off the shifts (2 weeks cancelled = 5 shifts)

Unattended cash - says it happens all the time - mid count [REDACTED] is called to attend to sthg - that [REDACTED] left door open

[REDACTED] appreciates was a mistake

Accumulation of things makes [REDACTED] feel singled out

Concerned [REDACTED] association with [REDACTED] has tarnished [REDACTED]

Concern about how [REDACTED] came to be looking at [REDACTED] fb.

[REDACTED] and [REDACTED] noted that it was though the course of marketing/ other staff searching for reaction to fire evac - not targeted search - [REDACTED] argued that the thread would not have been picked up - but it was due to the connection with the shout out "Huge love to the Canberra Theatre Staff"

In same way cash came to light through watching fire evac to undertake (fire training) debrief alcohol came (drinks [REDACTED] left note about)

Noted [REDACTED] is aware of Social media policy through other work - but thinks should be part of a brief/ alert to all staff along with other items such as difficult patrons

Raised the issue of remuneration - [REDACTED] addressed this, noting it could be a subject of discussion in future EBA arrangements

Raised the issue of first aid loading - noting [REDACTED] have training and are first on the scene and applying first aid, and writing up risk man - which comes with liability issues - [REDACTED] addressed this, noting MEAA were comfortable with set-up where there is a designated first aid person on during these shift (they get the loading) but not everyone with first aid training gets the loading - [REDACTED] to respond in writing to [REDACTED] on this - outlining definition of first aid loading Mtg concluded with agreement that next meeting would be with [REDACTED] and [REDACTED] plus their support persons)

CANBERRA
THEATRE
CENTRE

CANBERRA THEATRE CENTRE- PO BOX 226 CIVIC SQUARE, CANBERRA ACT 2603

E-MAIL

(W)

(M)

(F)

VISIT US ONLINE AT CANBERRATHEATRECENTRE.COM.AU

Document 3 - *Attachment B - Email documents - Access to all documents relating to a previous occurrence of 'performance management' and evidence of refusal for further training*

From: [REDACTED]
Sent: Monday, 29 July 2019 9:26 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Meeting outcomes

UNCLASSIFIED

Hi [REDACTED],

Thanks for this email.

I think during this whole process we have identified important information relevant to all [REDACTED] CTC, hence, I have decided to reply to your email more generally by sending a response to everyone.

The email will contain relevant information about expectations from all [REDACTED] including what is acceptable and unacceptable in the workplace in relation to changing culture and work ethics.

Please check your inbox.

Thank you.

[REDACTED]



[REDACTED] - [REDACTED]

CANBERRA THEATRE CENTRE- PO BOX 226 CIVIC SQUARE, CANBERRA ACT 2608

E-MAIL [REDACTED]

(D) [REDACTED] | (M) [REDACTED] | (F) [REDACTED]

[WEBSITE](#) | [TWITTER](#) | [YOUTUBE](#) | [FACEBOOK](#)

From: [REDACTED]
Sent: Saturday, 20 July 2019 10:04 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: Fwd: Meeting outcomes

Hi [REDACTED], and thank you for your email.

Thanks too for helping me understand what training I needed to undertake prior to returning to work.

The good news for everyone, is that I've completed everything you've listed so I should be good to go.

~ IT Policy : I read, agreed to, and signed the IT Policy at our meeting on 3 July.

~ Alcohol policy: I have previously acknowledged that I have read and understood your email of 27 February.

~ Fire drill actions: I attended the Fire Training on 15 February.

With regards to the Fire Training, I think everyone agreed afterwards that it raised more questions than it answered so I'd be very happy to come in half an hour (or however long you think would be needed) prior to my next shift to go over the arrangements as they've washed out from that incident.

I'll make sure to update my availability in [REDACTED] and [REDACTED] and look forward to getting back to work with this matter now behind us.

Regards

[REDACTED]

Sent from my iPad

Begin forwarded message:

From: [REDACTED]

Date: 17 July 2019 at 3:46:06 pm AEST

To: [REDACTED]

Cc: [REDACTED]

[REDACTED]

Subject: RE: Meeting outcomes

UNCLASSIFIED

[REDACTED]

I am a little dismayed right now that this performance matter, which occurred prior to my appointment as [REDACTED], seems to be continuing beyond what I think is needed. The more 'air time' we give it the bigger it gets, I am keen to put this behind us.

The 'gaps' in your knowledge that became apparent in our conversation and you used in your defence during the preliminary assessment included:

- ICT policy
- Serving and consumption of Alcohol policy
- Fire drill actions

And, as you mentioned, you are one of our most experienced [REDACTED], I am making it a priority that all [REDACTED] are 'up-to-date' with the training requirements - I acknowledge that you have completed some in recent months, and also that it may have been sometime since you undertook others.

Why are you being offered this opportunities before other [REDACTED]? Firstly, because I think it is important that you and I demonstrate to the CFC Executive Management that we are both willing to accept personal responsibility and accountability for our roles - especially given the last six months of conflict.

Secondly, as the [REDACTED], this entire episode has raised concerns for me and I have put in place a plan to ensure all my staff know my expectations of [REDACTED] and individual members. As the PSMA Section 9 indicates, in my position of authority it is reasonable to train my staff to be able to complete their role to the best of their abilities. This change is obviously progressive as the competencies and expectations are undergoing review.

My request for you to undertake training and other support to make you eligible to return to work has been made in your best interests, and also in the interests of a [REDACTED] that excels at the services we give our patron. You will be a model for other more junior employees, and I expect you will encourage them to also attend relevant training. I see this opportunity as a gift for you, not punitive as you seem to choose to interpret it and for the query if this is the most cost-effective 'bang for my buck' as a senior experienced person willingly updating their knowledge and skills shows great leadership.

As is often raised, to make changes in a culture, we need to 'start at the top' - and in my workplace, my [REDACTED] are my 'top'.

Please can we put this issue to bed, and start afresh. Let's build the [REDACTED] team that will shine above all others.

If you are still concerned, please make an appointment to talk to me personally.

Thank you.

[REDACTED]



[REDACTED] - [REDACTED]

CANBERRA THEATRE CENTRE- PO BOX 226 CIVIC SQUARE, CANBERRA ACT 2608

E-MAIL | [REDACTED]

(D) [REDACTED] | (M) [REDACTED] | (F) [REDACTED]

[WEBSITE](#) | [TWITTER](#) | [YOUTUBE](#) | [FACEBOOK](#)

From: [REDACTED]

Sent: Tuesday, 16 July 2019 8:19 PM

To: [REDACTED]

Cc: [REDACTED]
Subject: RE: Meeting outcomes

Hello [REDACTED], and thank you for your email.

I've read it a few times now and I'm still confused.

If I'm understanding correctly (and please know I'm trying to) you're proposing I undertake the entire regime of training given to a [REDACTED] as if I have no pre-existing knowledge of the role. If that's not what you're proposing, I'd welcome a further explanation of what you have in mind. If that is what you're proposing I would firstly ask you to consider whether it's the best use of resources, but I would also want to have it explained to me where I have failed to meet expectations, other than those isolated incidents we've already agreed are resolved. Is this a sanctioned disciplinary action? If so, wouldn't you agree it should follow the proper process? Also, how are the 'many gaps' in my knowledge that you refer to going to be identified, judged, agreed upon, addressed, measured, and my 'end-state' competency determined?

There has never been – and still isn't – a formal process for training a [REDACTED]. There are training shifts, such as those that [REDACTED] has been doing over the last few weeks, but the training is done by shadowing another [REDACTED] and watching, listening, and asking questions – just as you did with me and other [REDACTED] when you first started as a [REDACTED]. There is no formal, structured induction process (for *any* [REDACTED] casual) involving a plan of what will be taught; what the agreed training outcomes will be; how progress against expected competency will be measured; an 'end-state' assessment; or competency sign-off prior to the trainee [REDACTED] being given solo shifts. There is no ACTPS induction, no CFC induction, no CTC induction, no local [REDACTED] induction.

There's no denying there are flaws in the current process [REDACTED] had never shadowed a show with an interval prior to [REDACTED] solo [REDACTED] shift on Saturday evening, and so had no knowledge of the range of things required of [REDACTED] at interval) but we work through them on the spot because we choose mature, capable, competent, outcome-focussed leaders. So while I certainly applaud and support the initiative to introduce a formal process which may give everyone confidence that knowledge is being transferred appropriately, I believe there would be more probative value – more 'bang for the buck' – in making this training available to people without my extensive knowledge and experience in [REDACTED]. It would be a squandering of whatever training budget we do have to make me 'first cab off the rank' where it could be more beneficial to less experienced members of the team. I would be very willing to bring my CTC and broader public service experience to helping develop a proper training and induction package of this kind.

In the meantime, I'd prefer to just get back to work. I'm happy to be briefed on new processes, but this all seems like a bridge too far.

I would also like to understand what budget issues you're referring to. I'd be happy to push this question - or all of them if you're unable to answer - up the chain for clarification.

Regards

[REDACTED]

From: [REDACTED]

Date: 14 July 2019 at 12:13:15 pm AEST

To: [REDACTED]

Cc: [REDACTED], [REDACTED]

[REDACTED]

Subject: RE: Meeting outcomes

UNCLASSIFIED

Hi [REDACTED],

I am sorry that there is more confusion to this situation. At no time has it been my intention to keep anything from you, especially on the day of our conversation.

As all the 'misconduct' happened outside of my watch as [REDACTED], I was thinking about how we can better equip you with the knowledge that I need you to possess as a successful [REDACTED],

and in doing this make sure nothing can be raised again. To truly 'put it to bed'.

It was only at our meeting that the gaps in training and support became more obvious to me.

I came up with the training plan all by myself. It was the only way I could see to work within the budget to support you and CFC to fill the many gaps.

I am making the funds available as if you are a 'brand new staff' member to ensure you can be reinstated to the level your experience warrants.

My intention is to ensure this doesn't happen to you again, or to anyone else as it is too stressful and time consuming for us all.

I meant no offence, merely organising our next steps to ensure we are all following the rules.

Whatever happens from here on, it will be during 'my watch'. So, as I will be fully accountable, I need to take the rights steps to ensure we all achieve the right outcome.

Thank you.

[REDACTED]



[REDACTED] -- [REDACTED]
CANBERRA THEATRE CENTRE- PO BOX 226 CIVIC SQUARE, CANBERRA ACT 2608

E-MAIL [REDACTED]

(D) [REDACTED] | (M) [REDACTED] (F) [REDACTED]

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From: [REDACTED]

Sent: Friday, 12 July 2019 4:43 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: Meeting outcomes

Hello [REDACTED] and thank you for your email. I note its contents and accept the four dot points, reserving my right to respond in the future.

I also note the organisation's acceptance of my position regarding the alcohol shared with the staff on the evening of [REDACTED]. I further understand and accept that the CFC has reviewed its hitherto tacit acceptance of such practices and has expressed that position through your email of 27 February 2019.

I understood from previous correspondence on this matter (your correspondence; [REDACTED] correspondence; the response to my complaint from the [REDACTED] [REDACTED] and our conversation last Wednesday) that the meeting last Wednesday evening was the final step in this process. You agreed - with a union representative present as a witness - that the signing of the Acceptable IT Use Policy and the resolution of the [REDACTED] so-called debt, was all that was preventing me from returning to work at the Theatre, and that the resolution of those two issues would render me eligible to be restored to active status as a [REDACTED]. You were so resolute in your position that you vigorously requested that I take a [REDACTED] shift on Saturday 13 July.

I now see from your email below that despite [REDACTED] as an employee of the theatre, I am to be treated "...as a brand new employee.." and subjected to a range of training and supervision. Please explain to me: (a) what were the circumstances which led to the change in your position; and (b) who

has directed you to make this part of my 'rehabilitation'. I know this is not your doing because when last we spoke you were satisfied that the matter was resolved and you accepted that the incidents in question were isolated and not indicative of systematic abuse of privileged or incompetence on my part. The only logical conclusion, therefore, is that this directive has come from someone senior to yourself. Given that [REDACTED] had previously determined that this matter be delegated to you for resolution, I am unclear why your authority is being compromised in this way. It doesn't seem fair to either of us.

I would also draw to your attention to section H of the CFC Enterprise Agreement (EA), particularly as it relates to "... the nature and full circumstances of the misconduct, any mitigating factors, and details of the employee's prior service record and performance...". With due consideration to section H, I request that you detail for me how you support the proposed course of action. It seems to me that the disciplinary action is both disproportionate and unsupported by the appropriate conversations and pre-requisite processes. I would further ask you to explain how the action is warranted in light of your statement that "...we have now had this important conversation and resolved the matter".

That I am the only member of the [REDACTED] cohort in at least [REDACTED] to be subjected to this course of action would suggest that this is an exercise designed to humiliate and demoralise me. I would ask you to show me where any member of the [REDACTED] team - even those having made more serious and perpetual transgressions than these - has been subjected to such treatment, and in the event that you can't show me precedent, I would ask you to explain to me how this does not meet the definition of bullying.

From my perspective, the matter is over. I have accepted the dot-point summation of our conversation last week and signed the IT Acceptable Use Policy I was asked to sign. I have agreed to modify the behaviour which has caused concern. Surely we can now put this behind us and get on with doing our jobs? I hope common sense can prevail here but in the event that the course of action proposed in your email is pursued, I would ask you to please address the points I've raised above, namely:

1. What were the circumstances which led to the change in the position we agreed on Wednesday 3 July?
2. Who determined that this course of action be imposed?
3. How does the proposed course of action comply with section H of our Enterprise Agreement?
4. Given that you stated at our meeting on Wednesday and in your email below that we have resolved the matter, how is this course of action warranted?
5. Examples of precedents where similar transgressions by other [REDACTED] staff have led to similar action.
6. In the event that (5) cannot be satisfied, how is this action against me not considered bullying?
7. If the proposed course of action is to be pursued, I request a full and detailed description of:
 - a. precisely what activities will be covered in this training
 - b. for each of these activities, please describe for me how my performance has been lacking (noting your conversation with another [REDACTED] that I was "thoroughly competent" and a "good operator")

c. a precise timetable for the activities

I look forward to hearing from you soon.

Regards

[REDACTED]

On 11 Jul 2019, at 19:53, [REDACTED] wrote:

UNCLASSIFIED

Hi [REDACTED],

Thank you for meeting me on Wednesday 3 July 2019 to discuss the outstanding issues.

To summarise, we have met and agreed that:

- You are now aware of our social media policies and have agreed that you showed an error of judgement in the circumstance that we discussed
- You have read, and signed that YOU now understand and will adhere to the ACT Gov Acceptable Use of IT Resources Policy
- You will take action to ensure that safe cash handling procedures are followed in the future
- You are now aware that CFC will not tolerate any future unauthorised access to alcohol for [REDACTED] staff, or other staff

In relation to the request to pay back the [REDACTED] owed to CFC for the alcohol, [REDACTED] has agreed that due to your own acknowledgement that you were unaware of that behaviour as unacceptable, CFC will waive the payment and will not pursue the reimbursement at this point.

As we have now had this important conversation and resolved the matter, I expect that this is a successful action to modify behaviour. This is now in the past and all future engagements are in the belief that you understand our expected procedures and behaviours. To ensure that you have thorough understanding of the policies and procedures of the ACT Government and the [REDACTED] Department of Canberra Theatre Centre, you will be treated as a brand new employee commencing immediately and you will be given all necessary training and provided with relevant information to enable you to perform the duties as [REDACTED].

I will be in contact with you to schedule a date/s for this training. After the training, you will be rostered on as [REDACTED] under supervision for the first 3 shifts and will then undergo a performance review every 3 months or whenever it's deemed necessary. Please note that if the above misconduct or any other unacceptable behaviour should occur in the future while you are employed at CTC, you will no longer be rostered as a casual [REDACTED]. Please confirm that you understand everything that is outlined in this email.

Please let me know if you should have any questions or need further information.

Thank you.

[REDACTED]

<image001.jpg>

[REDACTED] - [REDACTED]

CANBERRA THEATRE CENTRE- PO BOX 226 CIVIC SQUARE, CANBERRA ACT 2608

E-MAIL [REDACTED]

(D) [REDACTED] | (M) [REDACTED] (F) [REDACTED]

[WEBSITE](#) | [TWITTER](#) | [YOUTUBE](#) | [FACEBOOK](#)

On 20 Jun 2019, at 9:34 am, [REDACTED] wrote:

UNCLASSIFIED

Hi [REDACTED],

5.30pm on 3/7/19 is fine for me.

See you in my office then.

Thank you.

[REDACTED]

From: [REDACTED]

Sent: Tuesday, 18 June 2019 1:51 PM

To: [REDACTED]

Subject: Re: Meeting on Thursday 16 May 2019 - [REDACTED]

How does 5.30pm on 3 July work for you?

Cheers

[REDACTED]

sent from my iPhone

On 18 Jun 2019, at 10:07 am, [REDACTED] wrote:

UNCLASSIFIED

Hi [REDACTED]

I can't do this week and next but can do any day after that.

Just let me know when will suit you between 2nd and 4th July 2019.

Thanks.

[REDACTED]

From: [REDACTED]
Sent: Monday, 17 June 2019 11:26 PM

To: [REDACTED]
Subject: Re: Meeting on Thursday 16 May 2019 - [REDACTED]

No worries. I can't do tomorrow (Tuesday) but can do any other day this week.

Cheers

[REDACTED]

sent from my iPhone

On 17 Jun 2019, at 4:27 pm, [REDACTED] wrote:

UNCLASSIFIED

Hi [REDACTED]

Thank you for your email.

Unfortunately I am unable to make it to you during business hours as well.

What if you come here after work one day?

I can't do next week but can be available the week after.

Just let me know when and I will stay back at work to meet you.

Thank you.

Regards,

[REDACTED]

<image001.jpg>

CANBERRA THEATRE CENTRE- PO BOX 226 CIVIC SQUARE, CANBERRA ACT 2608
E-MAIL |

(D) | (M) | (F)

[WEBSITE](#) | [TWITTER](#) | [YOUTUBE](#) | [FACEBOOK](#)

From:

Sent: Friday, 14 June 2019 1:14 PM

To:

Subject: Re: Meeting on Thursday 16 May 2019 -

Hi

I'm conscious that we haven't yet been able to find a time which suits us both to have this meeting.

I'd too would like to resolve this matter as soon as possible but my full time work makes it difficult for me to get into the theatre during your business hours. The has a reasonable cafe - might it be possible for us to meet there over lunch one day? Any day next week is fine with me.

Regards

sent from my iPhone

On 23 May 2019, at 8:49 am, wrote:

UNCLASSIFIED

Hi

That's okay.

Please let me know when you would be available to meet as we have to resolve this matter as soon as possible.

[REDACTED]
[REDACTED]

From: [REDACTED]

Sent: Wednesday, 22 May 2019 9:16 PM

To: [REDACTED]

Subject: Re: Meeting on Thursday 16 May 2019 - [REDACTED]

Hi [REDACTED]

I received some bad news today and won't be able to make the meeting tomorrow. I'm sorry.

Regards

[REDACTED]

sent from my iPhone

On 22 May 2019, at 4:18 pm, [REDACTED] wrote:

UNCLASSIFIED

Hi [REDACTED]

Just confirming that you are good to meet me tomorrow at 2pm in my office?

Thank you.

[REDACTED]

From: [REDACTED]

Sent: Tuesday, 14 May 2019 1:26 PM

To: [REDACTED]

Cc: [REDACTED]; [REDACTED]

Subject: RE: Meeting on Thursday 16 May 2019 - [REDACTED]

UNCLASSIFIED

Hi [REDACTED],

That's fine, let's confirm 2pm on Thursday 23/5/19 in my office.

Thank you.

[REDACTED]

From: [REDACTED]

Sent: Tuesday, 14 May 2019 1:13 PM

To: [REDACTED]

Cc: [REDACTED]; [REDACTED]

Subject: Re: Meeting on Thursday 16 May 2019 - [REDACTED]

This week is all book out for me. My next available is 23 May, I can do any time that day.

Regards

[REDACTED]

sent from my iPhone

On 14 May 2019, at 11:33 am, [REDACTED] wrote:

UNCLASSIFIED

Hi [REDACTED]

Thank you for your response.

I appreciate that it might be a full day for you.

I am happy to reschedule to the next day, Friday 17/5/19.

Hope that suit you better.

You can nominate a time that suits.

Please call me if you should need further information.

Thank you.

[REDACTED]

<image001.jpg>

CANBERRA THEATRE CENTRE- PO BOX 226 CIVIC SQUARE, CANBERRA ACT 2608

E-MAIL [REDACTED]

(D) [REDACTED] (M) [REDACTED] (F) [REDACTED]

From: [REDACTED]

Sent: Tuesday, 14 May 2019 8:26 AM

To: [REDACTED]

Cc: [REDACTED]

Subject: Re: Meeting on Thursday 16 May 2019 - [REDACTED]

Hello [REDACTED], and thank you for your email.

I've taken a few days to respond because I wanted to consider my overall position here.

With the benefit of perspective that this time has given me, I find I have not moved away from my initial reaction which was that it is unreasonable, unfair, and inappropriate to schedule a meeting of this nature immediately after a mediation meeting.

I will therefore not be able to attend this meeting with you on Thursday afternoon. I would, however, of course be open to alternative suggestions.

Regards

[REDACTED]

sent from my iPhone

On 10 May 2019, at 9:13 am, [REDACTED] wrote:

UNCLASSIFIED

Dear [REDACTED]

In reference to the letter you received from our [REDACTED], dated 7th May 2019, I am writing to invite you for a meeting with me to discuss your conduct issues as specified.

I have been informed that you have confirmed a mediation meeting commencing at 4pm on Thursday 16th May 2019 which is scheduled to take place in the vicinity of the CTC. I would like to meet you after that meeting in my office. My understanding is that the mediation may run for 2 hours. However, I am flexible with the start time of our meeting in the event the mediation runs longer.

As you will be paid at a [REDACTED] rate for a 4 hour call, we will try and keep our meeting within this time frame.

In this meeting with you, I would like to discuss the following:

- Social Media postings in relation to the event on 4th February 2019
- Inappropriate use of government property
- Mishandling cash and
- Supplying and consuming Corporation alcohol on premises

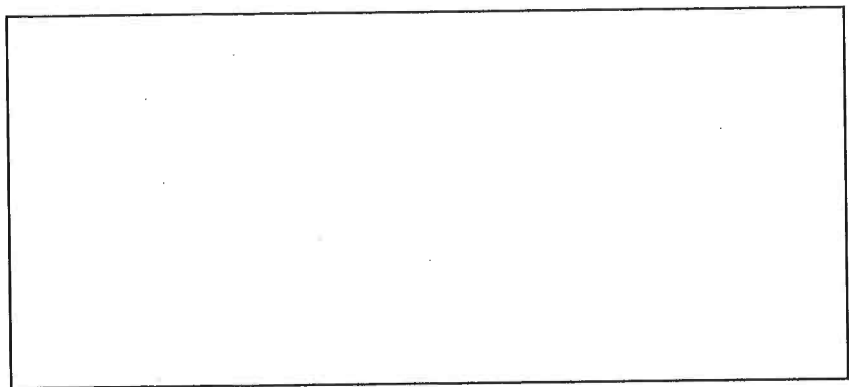
I would very much like us to finally

Error! Filename not specified. Error! Filename not specified. [REDACTED] [REDACTED]

Check out my latest blogs:

[Mental Health is about WELLNESS, not illness.](#)

[Workplace Burnout](#)



Document 4 - *Metadata in electronic file format as attachments*