

INQUIRY INTO EMERGENCY SERVICES AGENCIES

Name: Mr John Holland

Date Received: 23 July 2017

Partially
Confidential

The Director

Portfolio Committee No. 4

Legal Affairs

Parliament House

Macquarie Street

Sydney NSW 2000

By email: portfoliocommittee4@parliament.nsw.gov.au

22 July 2017

Dear Sir/Madam

**SUBJECT: SUBMISSION BY JOHN HOLLAND TO THE NSW UPPER HOUSE
PARLIAMENTARY INQUIRY**

My name is John Holland. I live at . I am a qualified Civil Engineer having obtained my degree in Civil Engineering from the University of New South Wales via scholarship I obtained from the Department of New South Wales.

I continued with further post graduate studies at the University of Technology towards a degree in Management and Business Administration.

I am currently employed as a Consultant in the Mining Industry and Infrastructure space delivering large infrastructure in Australia and overseas in roles as a Project Manager, Construction Manager and Client Representative for large multinational clients. Project values exceeding many billions of dollars and involving very large workforces in remote sites placed a strong requirement for managing and delivering difficult and complex capital under very trying client expectations of schedule, cost and quality.

Paramount was the overriding obligation and directive that was very actively promoted and policed, being the safety of all persons involved with the project(s).

As such, I was very actively involved in all safety aspects of the project delivery and have acquired a reasonably comprehensive skill set and knowledge of the obligations of all stakeholders in the process, including the relevant legislation and industry legislation and guidelines.

I have three (3) daughters with my former wife, who had a long and successful career as a neonatal intensive nurse.

Our middle daughter, Kelly was born at _____ on the _____

Background - Pre _____ 2014

(i) Commencing employment with NSWA

Kelly had commenced employment with New South Wales Ambulance, (“NSWA”), as a trainee paramedic at _____ station. .

She had resigned her previous position as an Emergency Medical Dispatcher with Queensland Ambulance Service which she had held for several years. She also held Certificates 3 and 4 in both Call-taking and Despatch with her previous employment and had also trained many trainee EMD whilst she was with QAS.

Kelly had transferred her family to NSW in order to be a paramedic as a chosen career, and she had attended the fulltime training with NSWA at Rozelle beforehand to meet that commitment to her career. It was only when working as a trainee paramedic did she find it very difficult to have regular set times where she was able to meet her parenting responsibilities as a working mother for her young son.

KHR had initially commenced duties at _____ Control Centre, (CC), in _____ 2008 after applying for a position as an Operations Centre Operator, (OCO). The _____ Control Centre is one of several control four centres throughout the state of NSW whereby the Triple O calls are taken for emergency medical attendance and ambulance transport for the residents of the state.

It was her intention to work at the CC for the interim period until he had completed his schooling and then return to the road as a paramedic.

The role of Emergency Medical Dispatcher with Queensland Ambulance Service means qualified as an Operational Centre Officer (“OCO”), colloquially referred to as a Dispatcher; and an Operational Centre Assistant (“OCA”), colloquially known as a Call Taker, suitable for roles for within NSWA.

Kelly was interviewed for a role by _____ AB, who also occupied the position as _____ of CC.

She was offered the role of OCO at CC, which is a higher grading than that of the OCA role./

(ii) Commencement of Bullying, Intimidation, Harassment and Discrimination at CC by Officer AB towards Kelly.

From about _____ 2008, Kelly began to be the target of improper conduct and behaviour at the hands of her _____ officer AB. This officer targeted Kelly by engaging in conduct of bullying, intimidating, harassing and discrimination. Over a period of several years she endured such behaviour due to the power she held over Kelly’s employment and that of her partner and later husband, who also came to work at the CC as an OCA.

In her role as _____ at CC, AB had total control of that centre for all persons who worked there and Kelly came to observe AB’s bullying behaviour continually as she allegedly “picked her marks” on fellow workmates. AB had worked at the centre for some _____ years.

There was an instance whereby a job at [redacted] was the cause of a “bung”, which led to some delay with the attendance of the ambulance to a caller’s nominated location. As Kelly was the dispatcher for the job, which had occurred several months earlier, and there was no negative repercussions from the incident; she was not cognisant that this would set the scene for the commencement for continued attacks by AB on her and her future employment at [redacted] CC as well as severely impact her psychological health.

Whilst on shift at [redacted] CC dispatch, she was directed into the office of [redacted] AB who berated her about the [redacted] job “bung” and stated that Kelly would require performance management, part of which was she submit for a test to confirm her ability as a competent dispatcher. Kelly agreed to attend such test, and a testing Officer was specifically brought up from Sydney, to the [redacted] CC at [redacted] in [redacted] for such test.

Kelly apparently failed the test. By this point in time, she was already feeling pressured by the continued bullying she had received at the hands of Officer AB, but she endured such attacks and ignored them as best she was able as she adored her job at [redacted] CC being able to help people and looked forward to eventually continuing her career role as paramedic.

She requested an alternative assessor, but was refused such request by Officer AB and belittled by being accused as having the temerity to make such a request.

She accessed suitable training with an experienced officer who regarded her as quite ready and suitable to attempt and satisfy the second dispatch. Kelly allegedly failed this second test, and was quite shocked when informed of same by Officer AB.

She felt distressed and vulnerable when AB continued to tell her that she had a file on her “*this thick*”; whilst indicating a gap between her thumb and forefinger stretched apart as far as they could. She continued telling Kelly that she was unpopular, no one at the [redacted] CC could work with her, other supervisors complained about her along with similar disparaging remarks.

AB stated there were no available roles for her at [redacted] CC as she was a dispatcher, but she offered her a role as an OCA for a 12 month period only. As Kelly and her partner were about to purchase a home, she grabbed at the opportunity; because she was aware at this point in time, her partner had only been working on a casual basis, (as he was yet to obtain a full time permanent role with [redacted] CC), and that AB effectively had control of their joint livelihoods and their careers.

In offering that role to Kelly, and she accepting that offered role, Kelly had to accept a substantial pay cut, and also not have access to overtime shifts for a period of 12 months.

It is a matter of record that there is substantial overtime availability at the [redacted] CC and NSW OCOs and OCAs enjoy substantial penalties associated with the generous overtime shift rates available.

Accordingly Kelly was relegated to the lowest pay grade of an OCA, which is the most junior role at [redacted] CC.

(iii) Investigation of Several Complaints by [redacted] CC [redacted] CD

Over time the bullying was unrelenting and so intense and extreme whereby Kelly was accused by Officer AB of committing an act of fraud by falsifying her time sheet to attend First Aid refresher training in Rozelle. Kelly was also accused of an act of misconduct by AB associated with this accusation of fraud and timesheet misrepresentation.

Kelly objected to these false allegations as she knew that was not the case. An investigation was organised by NSWA which was somewhat protracted and required the assistance of several senior officers of NSWA to resolve.

Officer CD was appointed to carry out the investigation of the matters, and a senior NSWA Officer from the Officer noted that if Kelly (or someone) was going to commit and act of fraud with their timesheet against NSWA, it would not be for a few hours to attend a first aid refresher course in Sydney for a few days.

The result of Officer CD's investigation found Kelly fully vindicated and that all of the allegations made by Officer AB against Kelly were false and Kelly had done nothing wrong whatsoever. Officer CD directed Officer AB to apologise to Kelly for the making the false allegations of fraud and other improper conduct.

Officer AB refused to comply with such direction.

Officer CD apologised to Kelly on behalf of Officer AM and NSWA for what had occurred. He gave Kelly a letter stating that there had been a file note placed on Officer AB's file noting such incident and outcome.

Officer CD noted Kelly's demotion and elevated her grade by one level. There was no compensation made for the demotion that had occurred which had devastating financial impacts for Kelly and her family and continued.

Officer CD was shortly appointed to the substantive role as of CC; which required Officer AB to return to her substantive role as reporting to Officer CD.

The bullying and intimidatory conduct by AB against Kelly continued whereby in 2014 made a disparaging remark to Kelly regarding the actions of Kelly's sister, who happened to be visiting their mother at and her daughter had lapsed into anaphylactic shock as a result of eating a walnut. Such emergency required in ambulance attendance and Kelly's colleague had taken the call, whilst Kelly was also on shift that Saturday evening and AB was the CC Officer on shift also.

By this time Officer CD had been CC and Kelly felt that she could trust him enough to raise her concerns regarding the bullying and intimidation she had been subjected to at the CC workplace for the previous five (5) plus years. He advised Kelly to raise her concerns via the NSW Standard Operating Policy (SOP2011-003) *Raising Workplace Concerns*.

2014 to 2015

On the 2014 Kelly lodged a complaint against Officer AB with CC CD. The complaint detailed some 9 instances of bullying and intimidation by AB against Kelly over a period of some five (5) years at the NSWA CC.

All incidents record conduct and behaviour by AB to represent bullying, intimidation and harassment. Two instances record and her subordinate, on separate dates and times, arriving at Kelly's place of residence, including at night time, to deliver a document; such document that could have been sent by email to Kelly's CC email address, or handed to her at the next working shift.

NSWA Standard Operating Policy (SOP2011-003) Raising Workplace Concerns requires mandatory compliance with all NSW employees, and it specifically states that “*serious bullying, harassment or discrimination*” should not be actioned as workplace grievances. It references NSW SOP 2009-063 *Preventing and Managing Workplace Bullying*. SOP2011-003 *Raising Workplace Concerns* also references a NSW Health Policy Directive (PD2010_007 *Effective Workplace Grievance Resolution*) as a suitable method of assessing a grievance.

NSWA Standard Operating Policy (SOP2011-003) Raising Workplace Concerns specifies a strict time frame for all stages to be completed within, and requires adherence to a 21 day time frame for investigation, management and completion of the process. A time and activity flowchart also comprises part of this document.

Kelly informed me what had occurred over the previous five plus years and I advised her to maintain a detailed diary and make whatever records she can to chronicle all events, conversations and responses for such a serious matter. She undertook to follow such advice and to this day has maintained a very detailed record of all matters pertaining to this situation.

This complaint document was then conveyed by Officer CD to NSWA EF.
EF later met with EF some 11 days, (on 2014), after Kelly had submitted her workplace concerns which apparently was being managed and investigated by EF.

However, within 5 days of Kelly submitting her workplace grievance complaint she had become the target of retaliatory action by AB at the workplace, by confronting her one on one at the workplace and intimidating her with her accusatory remarks as her

Kelly began to receive abusive and threatening telephone calls from a male caller demanding that she drop the workplace grievance. The calls were made to her mobile telephone and to her landline. Her landline number is not listed in the telephone directory.

Kelly informed both Officers of this retaliatory conduct by AB at the meeting and was expecting/requesting EF would instigate the appropriate controls so that she would not be further targeted by repeat action by AB.

By this point in time Kelly was feeling quite exposed and vulnerable by submitting a workplace grievance against her and was seeking some relief and resolution to this ongoing behaviour.

The retaliatory behaviour from AB continued through and 2015 and Kelly reported these instances to EF, which the record shows, did not instigate any controls to prevent Kelly from being the target of this continued and bullying behaviour by AB.

As a result of this continued barrage by AB and no controls implemented by EF, Kelly was no longer able to withstand the psychological abuse any longer. On or about the 2015, there had been no resolution of her workplace grievance by EF, which had been submitted to him some 85 days earlier; nor had there been any contact made by EF in that time period to indicate that a resolution was forthcoming.

Kelly caused an email to be sent that evening for the sake of her health and requested from EF that she be permitted to withdraw her workplace grievance.

However, by the next day her resolve had strengthened and she again contacted EF to withdraw the request sent the previous evening.

On being informed as to a forthcoming meeting with EF, Kelly requested that he provide the original assessment documents for which she had been demoted many years earlier and was still suffering from the financial impacts of such incident. EF stated that he would not provide them to her prior to the meeting, but he would produce them for her at the meeting.

On the 2015, Kelly attended a meeting convened at by EF to discuss the workplace grievance she had lodged some 94 days earlier, and still had not been resolved despite the 21 day time period mandated. Also in attendance was NSWA Officer GH. Officer CD was there as an observer only.

I attended as Kelly's support person. A request was made to record the contents of the meeting and EF vehemently denied such reasonable request. To be seen to be addressing the requirements for compliance with the Code of Conduct, transparency and procedural fairness he still denied such request. He stated that his EA, who was in attendance, could type the contents of the meeting to provide an accurate record.

Such statement would not prove correct as I observed throughout the meeting that his EA was having difficulty recording all of the key information, particularly when more than one person was speaking at the same time; and there were many times when persons were speaking, she was not typing.

GH stated emphatically words to the effect of:- "*NSWA does not permit recording of meetings...*".

GH also informed Kelly and I that she was the author of *NSWA Standard Operating Policy (SOP2011-003) Raising Workplace Concerns*.

Kelly was very nervous attending the meeting in light of the non resolution of the workplace grievance, and all associated matters leading up to this day's events. She became very emotional at times due to the distress and we needed to take a large break to assist her.

The tone of the meeting was quite tense as EF was being challenged with his stance, and lack of outcomes provided by him for such a long period, non-compliance by him with NSWA's SOP 2011-003 for the management and investigation taking an unnecessarily protracted period of time causing further unnecessary stress to Kelly, duty of care of NSWA and him to her and all associated aspects under his control not delivering the stated outcomes.

This caused EF to instruct his EA more than 5 times, when I stopped counting, with words of:- "... do not type that..". Such instructions indicated unambiguously that the recorded contents of the meeting would not accurately account for all matters discussed at the meeting.

There were a similar number of times, when matters became heated between the writer and EF, that he threatened to discontinue the meeting.

The excuse proffered by EF that this submission was a “difficult one” has no foundation as there was not a lot of material to examine, nor more than a couple of persons to speak with.

As an aside, it is later revealed, (in a review conducted by NSW Professional Standards Unit UV), that AB only submitted her responses to EF to Kelly’s workplace grievance on the 2015; some 116 days after Kelly first lodged her complaint on the 2014.

What was noted several times throughout the meeting was EF stating words to the effect of:- “...I do these all the time...”. Such statement was taken to mean that EF is a NSW champion for this process and knows what he is doing, so do not question me.

He asked Kelly to provide a list of outcomes she wanted as a result of submitting her workplace grievance. She provided that to the meeting and confirmed same in writing the following day.

To this day, some 994 days since Kelly first lodged her first workplace grievance, (there was a second one lodged on the 2015), that EF, nor NSW has been able to deliver the outcomes requested by Kelly on the 2015.

Kelly requested the 2 assessment documents and EF gave her 2 pieces of paper. They were a photocopy of some statement, which was unsigned and bore no resemblance whatsoever to the proper assessment documents that NSW provide for such assessment.

EF offered no controls to be put in place that would prevent AB continuing with her attacks on Kelly at the workplace. He made the statement several times, despite Kelly’s emotional plea that she wanted this behaviour to stop; with words to the effect of:- “...it’s only your words against her that these allegations are occurring...there is nothing I can do...”.

It needs to be noted that *NSW Health Policy Directive, PD - 016 - Bullying - Prevention and Management of Workplace Bullying in NSW Health* is quite specific on the assessment and managing of bullying in the workplace. Compliance is mandatory for all NSW Health employees, and includes EF and GH of NSW.

Initial assessment of the workplace grievance incidents detailed and submitted by Kelly all fall under the category of bullying in the workplace, but these Officers, individually and collectively elected to ignore compliance with such policy directive.

It was known that EF enjoyed a long standing friendship of some years with AB, that AB was EF’s subordinate for some years at the CC. EF had a real conflict of interest and a perceived conflict of interest with his management and handling of this matter and he was well aware of it. For reasons of his own he elected to ignore his duty as an officer of NSW.

On or about the 2015, Kelly received documents from NSW as a result of a Freedom of Information application to NSW. It revealed there were in excess of 90 entries contained on her personal files, the majority completed and filed by AB. Kelly was not aware that she was entitled to access to her personal files, and where there were file notes made she had the right to examine them and provide a response. That did not occur.

What was evidenced by the excessive number of entries was that AB was conducting a vendetta against Kelly, and same had progressed for in excess of 5 years.

EF and GH had access to that information about this serial bullying behaviour by AB at CC from the 2014, and they had elected to manage this workplace complaint as a workplace grievance, and not what it was clearly; continued intimidation, harassment, discrimination and bullying over a period of 5 plus years by the of CC, AB, against a very junior employee whose rights had been denied, not only by AB, but also by the NSW and EF who was AB's for a substantive period in question.

EF and GH had access to the details of the false claims made earlier in the period by AB against Kelly that were found to be unsubstantiated. All of those claims by AB were of a bullying and intimidatory manner against Kelly and these Officers both individually and collectively elected to ignore it; whilst witnessing the state of distress caused to Kelly by the actions of AB, and their duty of care obligation to Kelly pursuant to NSW Health and Safety Act 2011.

Both of these officers observed Kelly slowly and steadily deteriorate psychologically at the workplace, by taking excessive sick leave, expending other leave to avoid interacting with her bully as evidenced by NSW's records, and they did nothing.

They both knew that the probable outcome could result in a serious psychological injury to Kelly or even fatal self harm. The elected to do nothing, and both of these Officers are the NSW champions who have the motto "Excellence in Care" emblazoned on their NSW letterheads.

On or about the 2015, as Kelly was responding to a Triple 0 call, she was unnecessarily verbally attacked by her by her AB. That incident was regarded as retaliation by AB. Kelly observed her record incorrect handwritten notes on the file which were contrary to what had occurred, as evidenced by the NSW recorded call system.

Such attack was overwhelming and caused Kelly to leave the workplace immediately as she was unable to cope with such distress; and an unresolved workplace grievance that was now 145 days old with no hope of an end being provided by EF and/or GH.

It is noted that pursuant to the NSW Health & Safety Act 2011, Sections 19 and 27 require systems be in place to eliminate risk at the workplace or have controls implemented to ensure that the risks is as low as is reasonable practicable; that this requires the NSW who EF and GH report to have systems in place that provide visibility and oversight to these as to what is occurring in the workplace.

KL and MN had oversight and visibility to the conduct and behaviours of EF and GH and were able to observe that Kelly had an unresolved workplace grievance which was exceeding mandatory required time frames and that it could have serious health consequences for the parties. The record shows that these did not do anything to prevent the progression of time whilst this workplace grievance resolution stalled for no valid reason; and hence was causing serious psychological injury to Kelly.

On the 2015, Kelly lodged a second workplace grievance against AB, witnessing the incident of the 2015, and other incidents. Such submission was acknowledged by CD who stated that he had forwarded it on to EF for his attention.

EF did nothing about that workplace grievance submission by Kelly. He did not contact her to discuss any of the contents of her submission.

Kelly sent a letter of resignation to the CC Officer CD on or about the 2015, due to the psychological distress that she was experiencing along with the continued retribution from AB at the workplace, and her fear of interacting with her at the workplace, Kelly had for the previous 6 months since she lodged her initial complain, and some 5 plus years since she commenced duties at CC, had actively avoided contact by changing shift lines, taking sick leave, cancelling overtime shifts and taking other leave. She also withdrew her 2 workplace grievances against AB.

By this point in time she had developed a well defined stutter and was having difficulty coping and functioning on a day to day basis. Her doctor had increased her medication for blood pressure due to stress.

However, after several days she was able to summon up the courage to see the incidents and workplace grievances to a proper resolution as required and dictated by the NSW SOP and NSW Health Policy Directives. She subsequently did not proceed with the above actions.

On the 2015 EF convened a meeting to resolve the workplace grievance(s) that Kelly had lodged. She was accompanied by a representation from her Union. Prior to the meeting there had been substantial communication from the Union with the NSW noting the excessive delay, EF's conflict of interest with this process and the request to record the contents of the meeting.

Again, the meeting was able to be recorded, such was the refusal vehemently denied by EF who clashed with the Union representative on the transparency of the process.

The contents of AB's response was read out to the meeting in paraphrased form. Kelly was refused a copy of her response. Copies of some documents provided by AB were provided, and it was quickly shown to EF that such attachment provided by AB contradicted her other authored documents provided by Kelly.

The meeting concluded with no resolution outcome.

EF when prompted about the second workplace grievance EF stated that such incident was a communication problem between Kelly and her AB. He took no action in that regard and the minutes of the meeting noted that he repeated that response.

With a copy of the minutes, (inaccurate and incomplete as they were), provided about a week later several questions were posed to the CEO of NSW. Attached with the questions were evidentiary documents obtained from the Freedom of Information by Kelly evidencing that AB by her own documented files notes on Kelly's personal file had described an instance whereby she had breached the NSW Privacy Act and the Commonwealth Telecommunications Act. Such incident whereby she directed another NSW Officer to listen in on another extension to her telephone whilst she contacted the home of Kelly's mother and then spoke with her mother and later Kelly.

NSWA to this day had elected to ignore such information brought to its attention.

Mediation was advised as the next step, but Kelly had yet to receive a copy of AB's response, matters were left unresolved, other documents showing AB's deliberate misrepresentation and breaches of Privacy and Telecommunications legislation, and evidenced this protracted and mal-administered matter not reaching a proper conclusion as required by the NSW and NSW Health processes.

2015 to 2015

With an unresolved set of grievances and no proper resolution in sight, and given the circumstances of the journey thus far, Kelly was no longer able to cope.

Mid morning on or about the 2015 I received a call from Kelly in a very distressed and dysfunctional state. She had just been informed by the EPA services used by NSW that it was unable to meet with her that day and made a last minute cancellation citing a more urgent matter.

Kelly had booked the service some 8 days prior, as she realised the gravity of her psychological condition needed help, and she had been in denial for some period trying to progressively manage herself in a rapidly deteriorating state.

And now the service had telephoned her to cancel out and seek another booking. This was obviously too much to cope with and the suicidal ideations she had harboured for quite a long time were now wanting to overcome her will to continue.

She was wanting to take her life that morning as her son was at school and her husband at work and phoned me in a point of distress feeling deserted and let down by everything and everyone.

Not wanting to dwell on the mechanics of this moment for this exercise, I will record that I was successful with making contact with a private local psychologist who we booked in for Kelly to see that afternoon. The level of distress that this matter had caused to date had nearly caused a fatal outcome for Kelly, and NSW had as witnessed by the detailed records had played an active role every step of the way.

We were lucky that the psychologist Kelly saw was able to connect with her immediately and together they have been able to gradually take her away from that precipice of self destruction; however the suicidal ideation was always lurking in the background.

That incident pursuant to workplace health and safety protocols is regarded as a "near miss". The only difference between a "near miss" and a fatality, is the outcome. All contributing factors for a "near miss" and a fatal outcome are exactly the same.

Reluctantly, for a girl who has always held down a job since she was 15 years of age, Kelly was forced to accept workers compensation benefits.

Kelly was requested by the worker's compensation Insurer to visit its Consultant psychiatrist. She also met with the Insurer's investigator and provided an account of events and documentation to evidence her account. The Insurer's investigator found that the cause of Kelly's injuries were the mismanagement of the 2 workplace grievances by NSW and its EF.

However, the worker's compensation benefits are very slow to become triggered and also NSW's Injury Management processes were left wanting. Kelly was returned to the workplace after many months off work recovering, and commenced on 2 x 4 hours per week; as her speech was heavily slurred and she had difficulty functioning.

NSW and its Officers pursuant to their duty of care obligations to Kelly (and others), under the NSW Health & Safety Act 2011, elected not to record the "near miss" on its Injury Management protocol. In that way it avoided doing a "root cause investigation and analysis" as to the cause of the "near miss". Kelly was not at the workplace, nor in a fit and proper condition to ensure the recording of the "near miss" and the follow up of a proper "root cause investigation and analysis" to ensure this type of situation does not occur in the future.

EF and GH were alerted to the serious outcomes to Kelly's health and the "near miss"; yet the record shows that they did not involve themselves in any way to assist with this matter; and their duty of care obligations to Kelly, and at law.

NSW and its Officers did not do a Risk Assessment before Kelly returned to the workplace to ensure that she was able to participate in a safe and durable return to work. A Risk Assessment is required by law to be performed on any worker who has been absent from the workplace due to injury for a period of seven (7) days or more.

In returning to the workplace, Kelly was informed that until she returned to the workplace, the workplace grievance would not progress and the mediation with AB would not be convened by NSW. So Kelly was being cajoled, suffering a very serious psychological condition to return to a high risk workplace, so she could seek resolution of her workplace grievances. The bullying and intimidation by NSW and its Officers has continued as evidenced by this abuse of proper process and direction by Employer.

In returning Kelly to the workplace to continue her pre-injury duties, which was fielding Triple 000 emergency calls, NSW and its Officers, including those (KL and MN), who had oversight and visibility were aware that Kelly was still experiencing suicidal ideation.

NSW Health & Safety compliance would require that NSW and its Officers not subject Kelly to taking Triple Zero calls whilst still experiencing suicidal ideation and whilst she had a serious psychological injury; but NSW persisted at all levels: cognisant that it had not performed a Risk Assessment and other safety protocols and also that a fatal outcome could eventuate if Kelly took the wrong call whilst still in a suicidal ideation state.

As it happened, on or about the 2015 as Kelly was beginning to return to the workplace on a graduated basis and she answered a Triple Zero call which in this case involved a young teenage boy who returned home from school and found his mother dead from hanging.

Kelly had a teenage boy and the dead mother was of a similar age, and the report of the incident details from the caller recreated the methodology that Kelly was planning with her own suicidal ideation. That situation caused Kelly to leave the workplace immediately after she completed such a difficult and disturbing call under duress, and we are lucky it did not trigger her to engage in a similar act immediately after.

What steps had NSWA and its Officers taken to ensure that Kelly did not engage in self harm as a result of taking Triple 000 calls and/or cause further compounding aggravation to her serious psychological injuries.

NSWA and its Officers had caused another “*near miss*” by its mis-management of Kelly’s return to work protocols and breach of duty of care obligation to Kelly.

It is alleged all of these incidents are unsafe acts by NSWA and its Officers both individually and collectively. The period in question is from the day she was initially bullied at CC by AB through to this litany of incidents at the hands of its senior Officers who are very aware as to the probable outcomes that result from mal-administration and mismanagement. It is contended the breaches are of the NSW Health and Safety Act are captured by Sections 19, 27, 29, 30 and 104.

NSWA and its Officers did not record a “*near miss*” as a result of this incident, nor did it perform a “*root cause investigation and analysis*”, both required by legislation and their individual and collective duty of care obligation to Kelly and other workers at the workplace.

Due to the slow acknowledgement of the work injury by the Insurer, workers compensation payments were slow in the payment by NSWA. Since Kelly had commenced her workers compensation relief, she had only received a small payment of some \$2000 from NSWA. Besides the psychological injuries caused by the bullying and mal-administration of her workplace grievances Kelly was now being subjected to financial distress by NSWA and its Officers. They were most aware of her situation and had a duty of care obligation not to aggravate her serious psychological injuries.

Due to the financial pressure such situation was causing as well as the events to date Kelly was feeling rejected and sent an email to the Acting CEO IJ outlining her parlous situation.

Acting CEO IJ elected not to respond to her email, which caused her to officially appoint her father as her representative and inform her Employer and Acting CEO IJ of my appointment.

On or about the of 2015, I made contact with the EA of the Acting CEO IJ and had a 20 minute conversation with her regarding Kelly’s situation. I happened to have to make the call from the Pilbara in remote inland Western Australia where I was stationed at the time.

That same afternoon, Acting CEO IJ sent an email to Kelly, making all sorts of apologies for the situation she found herself in, again repeating EF’s excuse that the matter was “*complex*” and that was the reason for the protracted delay. As the record demonstrated by Acting CEO IJ’s response, as at the of 2015, a workplace grievance lodged on the 2015, and investigated and managed by none other than his competent who has some years with the NSWA with the assistance of the , that the workplace grievances still remain unresolved after some 315 days from when first workplace grievance was lodged and some 163 days when the second workplace grievance was lodged.

Acting CEO IJ continued by stating the nominated Officers would be making contact with Kelly over the following days. They included EF, GH and KL.

As the record demonstrates, not one of these Officers from NSWA made contact with Kelly; nor did Acting CEO IJ follow up with communication with Kelly to see that she was OK after she had reached out to the leader of her organisation.

Following that incident it is believed that NSWA did not record it on its incident register, nor did it engage in a “*root cause investigation and management*” to ensure that such situation did not occur again and proper controls were implemented to ensure this. Kelly has never been contacted or consulted about these incidents by NSWA or its Officers.

On or about the 2016 I was informed by NSWA ST that Kelly will be contacted shortly by GH to organise a mediation with AB. That contact from GH to Kelly never occurred.

On or about the 2016, I sent detailed correspondence to EF outlining his conduct to date and the injuries sustained by Kelly due to the actions of this Officer, and that the workplace grievance due to his mismanagement still remain unresolved.

On the of 2016 Kelly met with the Insurer’s psychologist in She was not informed by the Insurer, nor the NSWA that the session would be quite intense and last three hours or longer. Kelly last appointment with the Insurer’s psychiatrist had a duration of only half an hour, so Kelly was totally unprepared for this session, given her psychiatric injuries.

He had examined Kelly, asked many questions and had assessed her suicidal ideation and propensity to be medium to high, (as later revealed in a Report prepared some 10 months later). Kelly completed a large questionnaire of some 300 questions and left his rooms. She had been left to sit in a hallway of separate offices/suites to complete this document whilst people are walking past. Not the ideal surroundings.

As a result of such an intense session Kelly had become psychologically distressed to the point that she wanted to end her life there and then in the quickest way by walking out in front of a truck or bus in

It was only by happenstance that her husband had travelled down to Sydney with her and was outside to meet her, and he saw how distraught she was. So much so that she could not move from the steps in the pathway and had to remain there for over 30 minutes to contain herself and let the fear and overwhelming urge dissipate from within her system.

NSWA, the Insurer and the psychologist were aware of Kelly’s psychological disposition, and their duty of care and they had not carried out a Risk Assessment as to how vulnerable and receptive Kelly would be to a process and if there were suitable controls that should be considered and implemented to eliminate risk that the process might impose.

As it was, the psychologist was aware that she had a ‘moderate to high’ suicide ideation, but he failed to ensure that there was someone to collect her when she left his rooms after undergoing such a gruelling session for 3 hours. His Report some 10 months later expresses surprise that she is still alive.

This “*near miss*” incident was reported to NSWA and its Officers, but it failed to properly investigate it.

A report prepared by the psychologist noted that Kelly is able to return to her pre-injury duties in a graduated manner. In preparing his Report with his Conclusions and Recommendation, the psychologist was provided with the following information by NSWA

ST:-

- that the alleged perpetrator, (AB), will not come into contact or interact with Kelly again at the CC workplace as she had been allocated separate duties in another role at a separate NSW facility; and
- that a mediation will take place in the next few months as NSW would enforce a court order for the alleged perpetrator to attend.

This report was sent to the Insurer and NSW. Kelly never received a copy of the document and was not aware of these caveats by NSW underpinning the psychologist's Conclusions and Recommendations.

Meeting with NSW CEO WX and Professional Standards Unit UV on 2016.

On or about the 2016 I made a telephone call to the EA of CEO WX of NSW. I was calling from Port Hedland in Western Australia, and as Kelly appointed representative I wished to meet with CEO WX to discuss the background to Kelly's injuries and the investigation to date which has caused an aggravation to those injuries and what was he planning to do to complete these outstanding workplace grievances.

I travelled from Port Hedland to Sydney which is a distance of some 5000 kilometres to meet with NSW's CEO. On Monday the 2016 I met with him and NSW's Professional Standards Unit, ("PSU"), UV. I was provided with a story and how the management and investigation by was protracted due to it being a "complex" matter and that a review would be undertaken by PSU and she would be handling the matter from here.

Some three weeks later I was provided with an initial Report and a follow up Report from the PSU with her giving the process a "big tick", and relating to some unfortunate aspects to the process with plausible excuses that possibly a third party reader might accept.

For someone who was aware of all of the facts and how they were interacted together, the Reports would not pass the "smell test"; and anecdotally at this point in time it was some 17 months when the first grievance was lodged and just under a year that the second grievance was lodged; such that application of common sense with this time frame managed by 2 very senior and experienced of NSW dictated the matter would have been resolved within the allocated time; if the NSW Standard Operating Policies and NSW Health Policy Directives had been followed as mandated. And furthermore, the incidents reported were not workplace grievances but aggravated bullying by a known NSW serial bully.

The main game was to focus all of our efforts to get Kelly well again and have her returned to the workplace as that will assist with her healing process.

An outcome of from the Review by PSU UV, was that Kelly make contact with a NSW Consultant who will conduct a "one on one mediation" with Kelly. Such recommendation was viewed as a nonsense and not recommended by any of Kelly's medical advisors. Nor is this proposed protocol recognised by any medical association, nor was the Consultant a medically qualified practitioner.

In 2016, Kelly sent an email to reach out to the NSW CEO but he ignored her and recommended that she participate with this "one on one mediation" with NSW's Consultant. It was known that the NSW CEO possessed no medical qualifications and was not in any position

whatsoever to make any recommendations to a psychologically injured person to participate in a nonsense process. And the question was asked by one of Kelly's advisors; had the NSW CEO performed a properly structured Risk Assessment to assess all of the risks and implement suitable control strategies, prior to making what was regarded to be a nonsense recommendation that would be classed as an unsafe act.

Kelly continued to progress slowly and the assistance provided by her psychiatrist was helping her greatly to get well but she began to develop other symptoms which were affecting her physiologically.

On or about the of 2016 the psychiatrist was able to arrive at a proper psychiatric diagnosis after conducting several consultations with her over a fixed period. She diagnosed that Kelly had suffered from Post Traumatic Stress Disorder which was brought about by the extended period of bullying and intimidation brought about by her over an extended period of time. She determined that the onset occurred on the of 2014.

It was also advised that the injuries that Kelly was experiencing as she attempted to make a durable and successful return to her pre-injury duties at the workplace was an aggravation and compounding of her already serious injuries. NSW and its Officers were made aware of that situation but as evidenced by the events above and to date, have continued to engage in all manner of activities to prevent Kelly from making a durable, safe and successful return to the workplace.

2016 to 2016

In early and 2016 Kelly's medical condition was improving to the point whereby we could have her return back to the workplace on a graduated basis.

NSW and its Officers did not divulge to Kelly what it had stated to the Insurer's psychologist some four and a half months previously, whereby Kelly's successful return to the workplace will not be negatively affected by the presence of AB at the CC; as she had been allocated other duties at another NSW facility.

Nor did they tell her of this other aspect regarding that AB would be subjected to a court ordered mediation; which at this point in time had yet to occur.

What NSW and its Officers, (including ST and CC QR), had elected to do, was to re-introduce the hazard, (in this instance the alleged serial bully AB), without seeking any confirmation from the psychologist who had recommended a successful return could be achieved without the presence of the hazard causing psychological resistance for Kelly to make a safe and successful return.

Both of these Officers, and their superiors at NSW were aware of the injuries to Kelly, and that any improperly organised attempt to reintroduce the hazard with the proper safeguards and controls in place beforehand, would be seen as an unsafe act, and a wilfully reckless one at that as such conduct had the potential to cause Kelly serious injuries and or a fatal outcome.

Both of these Officers and their superiors at NSW were aware that there were some seven (7) other employees at CC that had lodged workplace grievances against AB which were unresolved and to introduce AB back to CC was an unsafe act and in breach of the NSW Health & Safety Act.

At a meeting at the offices of CC on or about the of 2016, the writer informed QR and ST that there was the legislative requirement for the NSWA (in this instance QR), to carry out a properly structured Risk Assessment, with the involvement of the injured person, prior to effecting any return to the workplace. The Insurer's Case Manager was also in attendance to that meeting.

It was also noted that a mediation was also required as the workplace grievance process was not complete; (even though it was alleged the complete investigation and management process was a sham): it was just that having the mediation with AB, (and it is contended that a successful mediation cannot be achieved with a serial bully, hence that elected protocol had failed as it has), which would give Kelly some closure whilst she looked at other avenues and had returned to the workplace in a far healthier condition than when she left it.

QR stated that AB could not return to work at CC until she had completed a mediation with Kelly. He also noted that he could not direct her to engage in the mediation. He sent a letter to that effect also noting that Kelly would be notified at least 7 days prior to AB returning to the CC workplace.

From Kelly's perspective, the serial bully was returning and had not faced any consequences for her 6 years of bullying Kelly at CC.

NSWA and its Officers elected to ignore their duty of care to Kelly and the other complainants and have engineered a process to return the bully back to the CC workplace. This is in breach of the NSW Work Health & Safety Act.

At all material times, since meeting with CEO WX I have included him, (either directly to his email address and/or that of his EA), so that he is unable to deny not being aware of any unsafe act which was occurring.

The issue of the Risk Assessment requirement was copied in to this executive as well as all of the associated correspondence leading up to another "near miss". NSWA and its Officers were attempting to pass off a workplace assessment as a risk assessment, and because Kelly was not in attendance there was no breach of the legislation and the NSW Health Policy directive which is very explicit.

There were many Officers from NSWA included in this detailed communication and the fact that CEO WX agreed with his officers made his a party to what is alleged to be an unsafe and reckless act.

Attempting to pass off a workplace assessment is a nonsense in itself and deliberate misrepresentation, particularly with all of the senior NSWA officers involved with the matter and having knowledge of the matter via the correspondence and otherwise.

Adopting a workplace assessment as a Risk Assessment, which is what NSWA and its officers including the CEO WX and the OP attempted to do, was an unsafe act and a wilfully reckless act; and all of the NSWA officers were complicit in this conduct as demonstrated by the evidence.

On Monday the 2016, another "near miss" which had the probable outcome of a serious injury to Kelly and/or a fatal result. EF was to attend the CC later that day and talk about bullying and other aspects in the workplace and employees had been invited to put their comments on the notice board in the form of Post it notes. The CC for the shift told Kelly

about it and directed her to the notice board. Seeing all of those comments just brought back bad memories of her bullying and the alleged maladministration at the hands of EF, and caused Kelly to leave the workplace. She was so overcome and distressed that she was unable to speak to let anyone know how she was feeling and her need to leave immediately.

She sent an email some several hours later advising she had left the workplace. Her supervisors had no idea that she had in fact left. The absence of a proper Risk Assessment providing a risk management plan and appropriate controls implemented would have averted such an instance whereby Kelly's suicide ideation techniques might not have been successful and caused her to engage in self harm.

2016 to 2016

After much communication with NSWA's Officers including its [redacted], (who with others including CEO WX had attempted to use a work assessment as a risk assessment, and thereby caused the "near miss" to occur), a Risk Assessment was convened at CC for the [redacted] 2016. It was attended by some 4 NSWA Managers including NSWA's Kelly's newly appointed [redacted], (Kelly had lodged a workplace grievance against the previous Officer alleging misrepresentation, which was negatively impacting upon her safe and durable return to pre-injury duties), and a NSWA appointed workplace assessment Consultant.

Kelly attended with the writer as her representative.

An application with the CEO WX to record the contents of the meeting for transparency and procedural fairness reasons, and considering the inaccuracies with the previous times met with a no response from this executive. Such non response was seen as an act of intimidation by this Officer.

One noted attendee was NSWA's [redacted] who produced a standard NSWA document used for carrying out risk assessments to the standard risk management protocols and guidelines. It was not a poorly hashed document compiled from a workplace assessment document to identify risk and nominate likelihood and appropriate controls; (which what had been asserted by all and sundry at NSWA earlier.

What was raised and followed through subsequently was the status of the 2 workplace grievances lodged by Kelly. It was reported at this meeting that the [redacted] PSU had advised that the matters have been fully investigated and are now closed. Further correspondence with the writer in the intervening period caused the [redacted] UV to confirm that position in writing.

On or about the [redacted] 2016 this completed document had identified most items, but not all. It did state that the risk of Kelly interacting with [redacted] AB at CC was one in every five (5) years.

The document produced to provide the risk assessment protocols, responses and the like is captured in NSWA standard document form, "Risk Assessment (Form 141)". For what valid reason the senior Officers would not want to use this protocol and document, and calling a workplace assessment as a Risk Assessment would confuse anyone. Irrespective, the record demonstrates unambiguously the actions of the NSWA Officers acting collectively and that such actions caused a "near miss"

Kelly had submitted a further application under the Freedom of Information Act for additional documents, and the response she received from the GIPA Office at NSWA, which is under the control of the CEO WX, reported the following.

- The outcome of the workplace grievance submitted on the [redacted] 2014 does not exist or cannot be located.
- The outcome of the workplace grievance submitted on the [redacted] 2015 does not exist or cannot be located.

These revelations caused contradictions to what the [redacted] PSU had advised in writing along with the contents of her earlier correspondence/reports in [redacted] 2016.

2017 to the present

On the [redacted] of [redacted] I caused correspondence to be sent to the PSU [redacted] UV, detailing the contradictions and evidence confirming same. I had stated that what I was alleging was covered under Sections 7 and 8 of the ICAC Act. I was alleging maladministration and corrupt conduct and behaviour by NSWA and its Officers.

A copy of this communication was sent to CEO WX.

I promptly received an email back which stated that she was on annual leave and would be back on Monday the [redacted] of [redacted] 2017.

On about the [redacted] 2017 I received information that the PSU [redacted] UV had resigned and was leaving on Monday the [redacted] 2017.

On hearing that information several days later I sent communication to the CDEO WX noting that the PSU [redacted] UV was leaving at short notice and requested that he take adequate steps to ensure that there was a proper and complete handover of all information regarding Kelly's matters, noting the disappearance of many documents in the previous GIPA request.

I received no response from the CEO WX.

On Monday the [redacted] of [redacted] 2017, I caused correspondence to be sent to all of the Executive Officers of NSWA including CEO WX alleging corrupt conduct and maladministration by [redacted] EF. Referenced in that email was the correspondence that I had sent to PSU [redacted] UV and CEO WX on the [redacted] of [redacted] 2017.

Not one Executive Director contacted me asking for additional information to substantiate my claim. As an oversight, I had overlooked attaching the relevant correspondence sent to the PSU [redacted] UV and CEO WX on the [redacted] of [redacted] 2017.

On the [redacted] of [redacted] 2017 Kelly was given a document at [redacted] CC by the [redacted] QR. The letter stated that [redacted] AB would be returning to the [redacted] CC and this letter was providing 7 days notice as previously advised.

This letter directly contradicted what had been stated in the risk management plan, that Kelly's interaction with [redacted] AB was classified as "rare" with a frequency rate of once in every 5 years. Such conduct and behaviour by NSWA Officers had set Kelly up to fail and shocking her like this aided with an improper remark (again due to poor controls in place by NSWA Officers), caused Kelly to leave the workplace unexpectedly several days later.

She visited her treating medical doctor several days later and he approved her to be suitable to return to the workplace.

Up until the incident of the letter from the _____, Kelly had been flying through her re-accreditation modules and was already taking Triple Zero non emergency calls.

However, NSWA for reasons of its own enacted all types of behaviour and abuse of process to prevent Kelly from returning to her pre-injury duties at _____ CC.

It is contended that such conduct and behaviour was due to Kelly filing a complaint with NSW SafeWork alleging bullying at the workplace. Her submission occurred on or about the 2017.

On or about the _____ of _____ 2017 I received correspondence from the NSWA CEO WX detailing an Unreasonable Complaint Conduct. The allegation of unreasonable complaint conduct has not been supported with any of the following information despite requesting same before a response can be provided.

- What is the nature of the complaint that NSWA CEO WX considers to be unreasonable? He has provided nothing to provide any scope. Is the offending material of a written, oral, visual or other format?
- What is the evidence supporting and/or validating such scope or claim. None has been provided.
- Who are the complainants?
- What part of what alleged offending material alleged by which particular officer(s) is causing concern such that it impacts upon their health and safety?
- With the above reasonable requests, CEO WX provided nothing.

However, with the provision of nothing from the CEO WX, and he is acting as an advocate for alleged complainants, and wanting to make an adverse adjudication on nothing and no evidence; and denying all aspects of procedural fairness and transparency which he is obligated pursuant to NSWA's Code of Conduct, such absence of anything was unable to be properly responded to.

Accordingly the CEO WX's claim was seen as an attempt to engage in discriminatory behaviour (pursuant to Section 104 of the NSW Health & Safety Act against Kelly, due to the fact that she has "*blown the whistle*" by calling in SafeWork.

NSW SafeWork did issue an Improvement Notice against NSWA _____ CC requiring all staff (approximately _____) to receive training about bullying in the workplace. The matter was appealed, apparently failing on a slight technical defect. The matter will be re-submitted once Kelly receives a copy of the decision under Freedom of Information from SafeWork.

As a result of the "near miss" incident of the _____ 2017 at _____ CC, as noted above NSWA has engaged in all types of behaviour, which is deemed to be unreasonable and designed to cause Kelly further interruption to a durable and successful return to the workplace, NSWA and its Officers caused Kelly to seek a Report from her psychiatrist that she was fit to resume duties at _____ CC.

There was no reasonable cause for such a request, and NSWA had been accepting the certificates of Capacity from her treating doctor and now it wanted one from her psychiatrist. After much delay to get access to her psychiatrist, a Certificate of Capacity was provided.

Then NSWA indicated that it was not possible to provide Kelly with suitable shifts that prevented one on one interaction with AB at the workplace. Accordingly the SafeWork Regulator was called in and the Inspector issue a warning in very clear language that it had a duty to provide work for the worker, pursuant to Section 49 or it would be issued with an Improvement Notice.

NSWA demurred from its previous stance instantly after receiving that call from the SafeWork Inspector.

Over the last several months since Xmas New Year, as indicated above with several examples, NSWA is appearing to go to every length possible, (in breach of the legislation), to prevent Kelly from making a safe, successful and durable return to the workplace to resume her pre-injury duties.

This last few incidents detail the actions of the NSWA towards this employee.

On the Friday the of 2017, Kelly sent emails to her supervisors advising them of a knee injury she had sustained and the need to wear a brace for week, but same brace made it impractical to wear her uniform. She received approval from the shift supervisors for the weekend and sought continuing approval from the 2 senior Officers for the continuation of the weekday shifts.

She received an intimidating email from the , and later several intimidating emails on 2 separate matters that same week from the QR

With one response she had caught out this Officer with contradiction with an earlier advice and email content, with the second one she had exposed intimidation.

Feeling very intimidated in her role, she had caused such communication, (sent on Sunday evening 2017) with the facts to be copied in to the EF, his superior MN and the CEO WX. Also the OP was copied in as well as her YZ.

The communication alleges intimidation and bullying by QR, and is very clear.

On Monday 2017, not one of the recipients acknowledged her email or provided her with a response cognisant as to her serious psychological injuries, how they were sustained by bullying conduct by her and how they were aggravated over the following several years.

On Tuesday the of 2017, not one of the recipients provided her with an acknowledgement or a response.

On Wednesday the 2017, not one of the recipients provided her with a response or a reply.

On the evening of the of 2017 I sent a letter to the 6 recipients reminding them of their duty to Kelly, individually and collectively and noted this action by them was an act of intimidation and bullying. I also indicated that in light of the nil response that I would be seeking assistance from Secretary Koff. of NSW Health and Minister Brad Hazzard.

On Thursday the 2017, not one of the recipients provided me with a response, nor did they make any contact with Kelly to alleviate her fears and serious psychological concerns.

In closing Mr Director, it needs to be recorded that Kelly has offered several times to meet with the CEO of NSWA to have her concerns addressed only to be met with a non response.

I apologise for the lengthy submission, and thank for taking the time to read it.

This submission is for public scrutiny on the Inquiry website. Should it require amendments to comply with a public classification, please do not hesitate to make contact and it will be amended accordingly.

All statements can be validated with evidence.

Yours sincerely

John Holland (signed)

,