

**From:** [Vlasios Brakoulas \(Western Sydney LHD\)](#)  
**To:** [Brendan Roberts](#)  
**Cc:** [REDACTED]  
**Subject:** Re: HSU WHS report - Boronia Unit  
**Date:** Tuesday, 10 November 2020 9:36:35 PM  
**Attachments:** [image001.png](#)

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Dear Brendan,

We refer to the above matter and thank you for your correspondence of 30 October 2020.

Western Sydney Local Health District (WSLHD) Mental Health Services (MHS) acknowledges the legitimate interest of the Health Services Union (HSU) in seeking to raise these important matters on behalf of our staff. We have reviewed the general propositions raised in your correspondence and are pleased to advise that the design, fixtures and furnishings of the new Boronia unit are consistent with national standards and our Work Health and Safety (WHS) obligations.

As you are aware, WSLHD MHS is committed to ensuring that the matters raised by staff and the HSU are considered consistent with our obligations under the applicable industrial instruments and the *Work Health and Safety Act 2011*. The concerns raised with reference to the Concord Hospital intensive psychiatric unit were ventilated in February 2020 in consultation with the NSW Nurses and Midwives' Association (NSWNMA).

On review, it is evident that the existing controls and design features are sufficient to adequately manage the identified risks within Boronia, which we note is a lower acuity facility than that referenced in the Concord decision.

The new Boronia is a 20 bed non - acute Mental Health Unit providing recovery oriented care for adults who no longer require acute in-patient care but whose mental illness requires further stabilisation in the least restrictive in-patient environment. Treatment in this innovative space will be the step before a patient is transitioned back into the community. Care provision is focused on the recovery paradigms of hope, self-determination, self-management, empowerment and advocacy in order to optimise independent functioning and restore family and community relationships.

Section 68 of the *Mental Health Act 2007* provides for the Principles of Care and Treatment. Section 68 states that patients are to receive the most effective care and treatment possible in the least restrictive environment and that any restriction on the liberty and interference with the rights, dignity and self-respect of the person is to be kept to a minimum. The design and layout out of the new Boronia has been developed in line with these considerations to contribute to more positive patient outcomes.

Most of the patients in Boronia are provided care on Care Level 5 observations, which is consistent with NSW Health PD2017\_025 Engagement and Observation in Mental Health Inpatient Units. This level of observation should include random and regular checks of the location and activity of the patient every two hours (at a minimum). Patients on Care Level 5 are considered by the treating team to be at minimal risk.

All of the Mental Health Units in the WLSHD MHS have a limited line of sight in terms of patient visibility. There is no requirement which mandates that staff are to monitor multiple patients simultaneously, nor will staff be working in isolation. The new Boronia will contain close circuit television (CCTV). The purpose of the CCTV is to provide a safer workplace for staff. CCTV will provide opportunities to better review clinical incidents, and offer a level of protection for staff.

The new Boronia will have a touchdown desk located within a patient area adjacent to the Nurses Station. WSLHD MHS understands its obligation not to remove the touchdown desk.

It is intended that the new Boronia unit will open with a reinvigorated model of care which is patient centred, culturally appropriate and trauma informed. The living spaces have been co-designed to assist people with a serious mental illness recover. Patient, family and carers will be involved in developing a plan of care with the treating team.

The model of care for the new Boronia is abundantly clear in that it excludes all acute patients for admission. Escalation pathways currently exist to manage patients who are admitted to all MHS units where fluctuating levels of acuity may exist. Where a patient is considered unsuitable for admission to the new Boronia, because of his or her acuity, then such a patient will be admitted to an acute unit. Patient flow through the units is managed by the Mental Health Patient Flow Nurse Managers.

The staffing profile of the new Boronia unit will be similar to the existing Boronia. It is expected that nursing staff will run therapeutic activities for patients. Alternatively, the new Pavilion will offer therapeutic and recreational activities for patients. Pavilion activities will be resourced by a range of Health Professionals.

The new Boronia has a number of features to support the model of care and offer choices to patients, staff and visitors. WSLHD MHS is committed to minimising any risks and would like to invite the HSU to participate in further consultation under s 49 of the *Work Health and Safety Act 2011*. In particular, we accept your proposal to schedule a review meeting four (4) weeks after opening of New Boronia to review any concerns arising from the operation and function of the new facility; which is expected to be 3 December 2020.

We invite you to join with us in celebrating the opening of the New Boronia – a significant milestone for WSLHD MHS and our

community.

Kind regards,  
Bill Brakoulias.

Professor Vlasios Brakoulias  
Executive Director | Western Sydney Local Health District Mental Health Services  
Conjoint Professor | School of Medicine, Western Sydney University  
Head | WSLHD Obsessive-Compulsive and Related Disorders Service  
Editor | Australasian Psychiatry  
Web: [https://www.westernsydney.edu.au/staff\\_profiles/WSU/doctor\\_vlasios\\_brakoulias](https://www.westernsydney.edu.au/staff_profiles/WSU/doctor_vlasios_brakoulias)  
Tel: +61 2 9881 8888 | Fax: +61 2 9881 8899 | e-mail: [vlasios.brakoulias@health.nsw.gov.au](mailto:vlasios.brakoulias@health.nsw.gov.au)

NSW Health e-signature with icons



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**From:** Brendan Roberts <brendan.roberts@hsu.asn.au>

**Sent:** Friday, 30 October 2020 11:57

**To:** Vlasios Brakoulias (Western Sydney LHD)

**Cc:** [REDACTED]

**Subject:** HSU WHS report - Boronia Unit

Dear Professor Vlasios (Bill) Brakoulias,  
Executive Director Mental Health – Western Sydney Local Health District

**Re: New Boronia Rehabilitation Unit – Cumberland Hospital**

The HSU wishes to thank the WSLHD for the opportunity to inspect the new Boronia Rehabilitation Unit at Cumberland Hospital. Myself, Seán Marshall and an HSU Delegate had an opportunity to inspect the new Unit on Thursday October 22 2020, accompanied by Michael Oliver, the Project Manager for the WSLHD.

After having had the opportunity to read the ANMF NSW Branch's report. The HSU concurs with their concerns as follows:

1. We understand the footprint of the new unit is approximately double the old facility. With the new unit having very limited line of sight, with respect to patient lounges, rooms and outdoor areas. Some of these line of sight issues may be able to be remedied to some degree, with the installation of bubble type mirrors over the corncicing.
2. With consequential concerns over staff working in isolation, giving rise to patient initiated violence and aggression hazards. The LHD needs to increase staffing levels to minimise these hazards, so that no staff member works in isolation. And in concurrence with the ANMF's report, we are calling for an urgent review of the existing staffing profile to provide a safe working environment and safe systems of work, with respect to Section 19 of the Work Health and Safety Act.
3. The need to install a dispensing window in the Medication Room.
4. The need to install external access controls for patients' rooms and blinds.
5. The need to install staff only access doors to lounge and outdoor areas
6. The need to design lounge areas, water features and garden beds to minimise hanging points, weapons, climbing opportunities and line of sight hazards.
7. Concerns over the violence hazards presented by the installation of a touchdown desk, within the patient area with no protection for staff. With respect to the NSW Industrial Relations Commission Decision below, the HSU calls for this area to be redesigned with the safety of staff as the primary consideration under Section 19 of the Work Health and Safety Act.

The HSU notes the decision of Commissioner John Murphy in the NSW Industrial Relations Commission hearing, Sydney Local Health District v SafeWork NSW (2019), over an external review of a prohibition notice issued by SafeWork NSW.

*The prohibition notice blocked SLHD from removing two 1.3-metre-high counters in an intensive psychiatric care unit at its mental health facility., Commissioner John Murphy said it was "commendable" that SLHD wanted to enhance the therapeutic environment for its patients, but this could not override its obligation to ensure the health and safety of staff.*

He noted SLHD's submission that "the 'therapeutic environment' that forms part of the modern approach to the treatment of mental health consumers is closely integrated with safety for both consumer and staff".

"That may well be so, but considerations of what is 'reasonably practicable' to ensure the health and safety of workers and others do not subjugate that obligation to the desirability of enhancing the therapeutic environment for patients," he said.

SLHD also argued that retaining the counters would pose a greater risk to staff than removing them. Commissioner Murphy rejected this.

"In this respect, I accord greater weight to the opinions of the staff who actually work on the unit as to the risks posed to their safety, than I accord to the views of SLHD management, whose opinions are clearly conditioned by what is perceived by it to be an initiative designed to enhance the therapeutic environment for patients in the IPCU," he said. Accessed at [https://secure-web.cisco.com/1UY3tsRemJRS11\\_IWRdhpBo\\_cIraG00m3vwwXsAGRXPjdLQ63Tz9-igNVUowcwB4-d50NgWjI66yKFY9sWAix9tTr9qUFxlPcH3MEZe4qXqOstUDvDi3TNEvr5U-vocZlVfrca-U27Kv\\_rjmjhEDu8vcvXCRvvWO89kTnMf51cOJN3bBKL3gSNISxUyDEh0ReasUhXrWYmw9TCTk7Im-N3KyhGEy3KpXl\\_F-WNikt1wtMMBMP0aoBky4\\_pvBIOQWVMVNX7ezAlUCx6RRlAme59FT1x4puhk7Psl8vBgED0oLXji7kPN59ZN\\_T75xRwJW055JfiTYMMBkblK0eAqfFI4y37Id9pZ6GrUyAMkpSkX-PaLhxNDviiDXl\\_aZemJRiNTszL-BmkVA4qJC4IXhxZsGOSEiDFEP9utQ1zAxWdQ8a1jR1Hj72Zaxi-H8Js3skrZGbclelnVyB3ucomnQI5413VGnIVm6Uzn4IHNicUuM\\_OKZILzCS9b50G7H3s/https%3A%2F%2Fhealthandsafetyhandbook.com.au%2Fcommission-upholds-prohibition-notice-not-to-remove-staff-counter%2F](https://secure-web.cisco.com/1UY3tsRemJRS11_IWRdhpBo_cIraG00m3vwwXsAGRXPjdLQ63Tz9-igNVUowcwB4-d50NgWjI66yKFY9sWAix9tTr9qUFxlPcH3MEZe4qXqOstUDvDi3TNEvr5U-vocZlVfrca-U27Kv_rjmjhEDu8vcvXCRvvWO89kTnMf51cOJN3bBKL3gSNISxUyDEh0ReasUhXrWYmw9TCTk7Im-N3KyhGEy3KpXl_F-WNikt1wtMMBMP0aoBky4_pvBIOQWVMVNX7ezAlUCx6RRlAme59FT1x4puhk7Psl8vBgED0oLXji7kPN59ZN_T75xRwJW055JfiTYMMBkblK0eAqfFI4y37Id9pZ6GrUyAMkpSkX-PaLhxNDviiDXl_aZemJRiNTszL-BmkVA4qJC4IXhxZsGOSEiDFEP9utQ1zAxWdQ8a1jR1Hj72Zaxi-H8Js3skrZGbclelnVyB3ucomnQI5413VGnIVm6Uzn4IHNicUuM_OKZILzCS9b50G7H3s/https%3A%2F%2Fhealthandsafetyhandbook.com.au%2Fcommission-upholds-prohibition-notice-not-to-remove-staff-counter%2F)

I have attached a copy of the NSWIRC Decision for your information.

8. As is clear the new Unit is in the unusual position of having a major rail infrastructure construction project, the Parramatta Light Rail, no more than a stone's throw away. This project will foreseeably present; noise, dust, vibration hazards and likewise hazards with patient transfer and staff access to the new Unit. In addition to the recommendations of the ANMF, the HSU calls for the establishment of an HSU, ANMF, Construction Unions, LHD and Transport for NSW Parramatta Light Rail Construction Committee, to plan for and minimise these and other emergent hazards, between now and the projected opening of the line in 2023. This would ensure compliance with Section 46 of the WHS Act, which requires;

*If more than one person has a duty in relation to the same matter under this Act, each person with the duty must, so far as is reasonably practicable, consult, co-operate and co-ordinate activities with all other persons who have a duty in relation to the same matter.*

With respect to HSU specific issues we raise the following:

9. In the old Unit we understand there were 6 toilets and showers located in communal blocks, in the new Unit each of the 20 rooms has their own toilet / shower ensembles. This will present a significant increase in the work of Environmental Services Staff. This expansion of Environmental Services Staff work is also occurring in the context of a much larger footprint of the new Unit, which will also present a significant increase in the work of Environmental Services Staff. So, the HSU calls for an urgent review of the staffing profile in this department, to provide a safe working environment and safe systems of work, with respect to Section 19 of the Work Health and Safety Act.

10. Unfortunately despite the increased in the size of the new Unit, there are no dedicated Allied Health rooms, for both group and individual work. Subsequently this presents great difficulty in providing privacy for patients working with Allied Health Staff. Staff will need to transport all their equipment to set up ad hoc rooms and then reverse the equipment transport process at the end of their activities with patients.

11. There are no dedicated Allied Health office spaces, so these Staff will need to transport all their files and equipment to set up ad hoc office spaces and then reverse the equipment transport process at the end of their use of them.

12. Issues 10 and 11, appear to have arisen from a lack of consultation with non-managerial Allied Health Staff. With most consultation taking place at the managerial level only, despite Section 47 of the WHS Act requiring that;

*The person conducting a business or undertaking must, so far as is reasonably practicable, consult, ...with workers who carry out work for the business or undertaking who are, or are likely to be, **directly affected by a matter relating to work health or safety.***

Not providing for privacy and requiring permanent manual handling of files and equipment between storage and ad hoc work spaces, shows the results of this failure to ensure the required consultation, which is an offence under the WHS Act.

13. There is the Pavilion Structure which is about 300 metres away from the new Unit, which could be used for the purposes set out in points 10 and 11. However, that would require a nurse escort for the patients involved. In the context of the ANMF calling for more nursing staff, this may not be practical. With the environment of the Parramatta Light Rail project also making such a proposition difficult.

14. The Music Therapy Room needs a second exit and is a very small space, again evidencing insufficient consultation with the Staff directly affected by the issues.

15. The Internal Courtyard does not seem to have been designed, with proper regard to the increasingly harsh and lengthening summers, being experienced in the Western Suburbs of Sydney. With most of the internal walls built from metal cladding and no

planned installation of shade cloths to minimise the summer heat.

16. The HSU is pleased to see the extent of the installation of duress alarms throughout the new Unit and alarms that monitor when patients leave their rooms. We look forward to Staff consultation over their use and the establishment of the necessary safe work procedures.

The HSU would like the opportunity for another inspection with our Delegates and WSLHD staff, as the fit out is nearing completion.

In the meantime we would appreciate the opportunity to meet with Michael Oliver and other relevant senior WSLHD decision makers to allow for full discussion of this report. Along with any other relevant information or issues arising after direct consultation with HSU members and any information / issues arising from consultative meetings.

Clearly new risk assessments, safe work practices and procedures, will be required to operate the new Unit healthily and safely. The HSU and our members look forward to participating in these processes.

Yours faithfully

Brendan Roberts  
HSU Organiser

**Brendan Roberts**

*Organiser, Public Health Division*

HSU NSW/ACT/QLD

Level 2, [109 Pitt Street](#)

[Sydney NSW 2000](#)

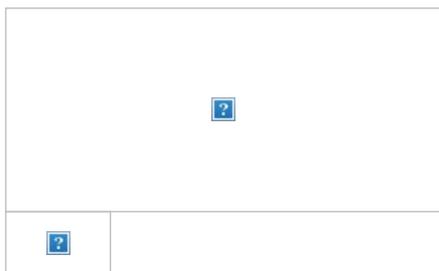
**Telephone:** [1300 478 679](tel:1300478679)

**Mobile:** 0425 181 361

**Email:** [brendan.roberts@hsu.asn.au](mailto:brendan.roberts@hsu.asn.au)

**Web:** [www.hsu.asn.au](http://www.hsu.asn.au)

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