

Consultation on health and safety processes for Managed Isolation Facility

Legislation	Ombudsmen Act 1975
Agency	Department of the Prime Minister and Cabinet
Ombudsman	Peter Boshier
Case number(s)	530273, 530269, 531014
Date	13 October 2020

Complaint about level of consultation with residents before Stamford Plaza Hotel became a Managed Isolation Facility—Chief Ombudsman found that the Department did not consult appropriately with the residents before this occurred—the Department also did not share information about the health and safety plan in a timely manner before Managed Isolation guests arrived

Background

The Chief Ombudsman received complaints from a group of residents living permanently in the upper floors of the Stamford Plaza Hotel building. The Hotel was designated a Managed Isolation (MI) Facility in July 2020. MI guests are hosted on the first two floors of the Hotel.

The residents complained that the All of Government Response Group, administered by the Department of the Prime Minister and Cabinet (the Department), did not adequately consult them on risk management or health and safety processes during this process.

Investigation

The Chief Ombudsman investigated whether the Department acted unreasonably in its engagement with the residents in relation to:

- consultations when developing the health and safety plan for the Hotel; and
- the timely sharing of information, once the health and safety plan had been developed.

The investigation did not look at the decision to establish the Hotel as a MI Facility.

The investigation found that decisions about risk mitigation and health and safety were made by the All of Government Response Group from 10-29 June 2020, in consultation with Hotel management.

The All of Government Response Group did not consult directly with the residents in the development of the health and safety plan, instead relying on the Hotel to seek their views.

The residents received the health and safety plan on 17 July 2020, more than two weeks after the Hotel became a MI Facility. The Chief Ombudsman found that the Department had sufficient time to provide the draft plan to the residents, in advance of the arrival of MI guests.

The Chief Ombudsman also noted that the residents had made requests to the Hotel for health and safety information, and that the All of Government Response Group was party to those requests. These requests were not considered by the Department under the Official Information Act (OIA).

In the course of the investigation, the Department acknowledged that the process could have benefitted from earlier engagement with the Hotel, to ensure residents and tenants were well informed.

The Department accepted that the processes surrounding the establishment of the Hotel as a MI Facility had not run smoothly. It acknowledged that processes should change, and said that they would.

To facilitate information sharing going forward, the Department offered to host a question and answer session for all interested residents and parties, including participation by Hotel management. It said it would also take a more proactive role in closing any information gaps between the Hotel and the residents.

Outcome

The Chief Ombudsman found that the Department failed to consult appropriately with the residents when developing the health and safety plan, and to share information with residents in a timely manner once the plan had been developed. It also omitted to consider the residents' requests for health and safety information in accordance with the OIA.

He formed the opinion that these failures were unreasonable, and recommended that the Department:

1. process the residents' requests for information in accordance with the OIA as a matter of urgency;
2. apologise to the complainants for not adequately consulting them on the development of the health and safety plan, and not sharing a copy of the plan with them before the MI guests arrived; and
3. provide confirmation that the learnings from his investigation had been incorporated into the relevant policies and practices going forward.

This case note is published under the authority of the [Ombudsmen Rules 1989](#). It sets out an Ombudsman's view on the facts of a particular case. It should not be taken as establishing any legal precedent that would bind an Ombudsman in future.