

MEDIA RELEASE – FOR IMMEDIATE RELEASE

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‘[A]n unreasonable risk to the health and safety of persons using government premises’ – Ombudsman concludes that DPTI and SAPOL committed maladministration in connection with across government facilities agreement

Both the Department of Planning, Transport and Infrastructure (DPTI) and SA Police (SAPOL) committed maladministration in public administration in the discharge of inspection responsibilities under the Across Government Facilities Management Arrangement (AGFMA), according to an investigation report tabled in Parliament today by South Australian Ombudsman Wayne Lines.

The Ombudsman’s investigation, which was commenced following a referral from the Independent Commissioner Against Corruption, examined allegations that DPTI had failed to conduct regular and meaningful inspections of government worksites for the purposes of identifying plant and equipment requiring preventative maintenance, contrary to its obligations under the AGFMA.

The allegations were reported to the Office for Public Integrity after a workplace fatality involving a walk-in freezer at the Echunga Police Training Reserve in October 2016.

Mr Lines summarised the background to the matter in his investigation report:

“Prior to the fatality, the walk-in freezer was not included on the schedule of items requiring preventative maintenance at the Echunga Training Reserve and, consequently, the emergency release mechanism was not regularly tested or serviced. Whether the freezer should have been included on the preventative maintenance schedule remains a point of contention between SAPOL and DPTI.

Under the AGFMA, DPTI was responsible for undertaking regular audits and inspections of the government worksites falling within its service responsibility for the purpose of identifying all items of plant and equipment that required preventative maintenance. In the course of its inquiry into the death of Ms Summers, SAPOL formed the view that the Echunga Training Reserve had not been inspected by DPTI for approximately nine years.

On the information available to it, SAPOL also formed the view that DPTI had failed to regularly inspect the majority of SAPOL’s other worksites.”

The Ombudsman’s investigation considered the AGFMA framework and the various administrative arrangements and instructions relating to it, as well as submissions from DPTI and SAPOL as to how the framework operated and was to be interpreted. The investigation also reviewed witness statements prepared by SAPOL in connection with the Echunga fatality, records extracted from the AGFMA information systems and the results of external audits conducted after the fatality.

In his investigation report, the Ombudsman observed:

“[DPTI] considered that its obligation to inspect and audit the worksites falling under its service responsibility did not necessarily require it to conduct regular physical site inspections.”

“[Consequently], prior to the fatality at the Echunga Training Reserve, DPTI [...] failed to undertake regular and meaningful inspections of the worksites falling within its service responsibility, contrary to its obligations under the AGFMA framework.”

“DPTI had been placed on notice that critical items of plant and equipment were being omitted from the preventative maintenance program applying to SAPOL’s worksites in July 2015, when SAPOL supplied DPTI with a report warning that the processes in place at that time presented an unacceptable risk to the safety of SAPOL’s workers.”

“DPTI’s failure to conduct regular and meaningful site inspections under the AGFMA framework [...] created an unreasonable risk to the health and safety of persons using government premises.”

Recognising that it had commenced developing a new inspection regime following the Echunga fatality, Mr Lines called on DPTI to solidify these arrangements to ensure that each worksite falling within its service responsibility was regularly inspected under the AGFMA.

Mr Lines also called on the South Australian government to ensure that DPTI was adequately resourced to conduct regular inspections of the approximately 4,500 government worksites falling within its service responsibility:

“I have included an additional recommendation to the state government aimed at ensuring that DPTI is adequately resourced to implement a program of regular and meaningful site inspections[.] [...] I would be concerned if [DPTI’s newly-developed] inspection program, which in my view [...] strikes an appropriate balance between considerations of safety, risk and value for money, was scaled back due to budgetary constraints.”

Mr Lines separately concluded that SAPOL had failed to ensure that its worksites were regularly inspected by DPTI under the AGFMA. In his investigation report, Mr Lines observed:

“SAPOL [...] identified systemic issues with the preventative maintenance program concerning its worksites but [...] failed to meaningfully address these concerns prior to the fatality.

As with DPTI, the investigation found that SAPOL’s practices [...] created an unreasonable risk to the health and safety of persons using SAPOL’s premises.”

Mr Lines commended SAPOL’s readiness to accept responsibility for the inadequacies in its previous approach to the AGFMA framework. Acknowledging the thoroughness of its reforms following the fatality, the Ombudsman made no specific recommendations to SAPOL.