

6 October 2020

Att: Solicitors Assisting
PO Box 24012
Melbourne. VIC. 30001

By Email: lawyers@quarantineinquiry.vic.gov.au

Dear Solicitors Assisting,

**Australian Nursing Agency Pty Ltd ABN 11 094 458 429 Trading As
SwingShift Nurses ('Swing Shift Nurses')**

We refer to the matter above.

We confirm that we filed an updated witness statement on 4 September 2020 and this has been published on the Inquiry's website and in the Inquiry's hearing book.

This updated witness statement provided, in response to question 10, an amendment to the Quarantine Hotels that SwingShift nursing staff were provided to work in. That is, the "Mercure Welcome Melbourne" Hotel was listed twice and the updated witness statement replaced these details with "ParkRoyal Hotel, Melbourne Airport" at point 10.2.15.

Our client's Annexure "D SwingShift Nurses – Provision of Nursing Staff to Quarantine Hotels - SWI-0001-0001-0004", which has been stamped as "WIT.0001.0013.0046", provides this list of Quarantine Hotels in which SwingShift Nursing staff were rostered to work. The "Mercure Welcome Melbourne" Hotel is listed twice. On the base of the second page, the "Park Royal Hotel, Melbourne Airport" should be listed instead of the "Mercure Welcome" Hotel.

Please do not hesitate to contact the writer if you have any queries in relation to the above.

Yours sincerely,



Verity Norbury
Lawyer
Bartram Lawyers
Enc.

IN THE MATTER OF *the Inquiries Act 2014*

AND IN THE MATTER OF a Board of Inquiry into the COVID019 Hotel Quarantine Program

UPDATED WITNESS STATEMENT

AUSTRALIAN NURSING AGENCY PTY LTD ABN 11 094 458 429

(Trading as SwingShift Nurses ('SwingShift Nurses'))

ERIC LINDSAY SMITH MANAGING DIRECTOR

ERIC LINDSAY SMITH STATES -

1. What is your title and role within SwingShift Nurses ('Your Agency')?

1.1 Managing Director. Manage day to day operations of the agency.

2. What is your relevant professional background and work history?

2.1 I am a dual registered nurse specialising in mental health with a Post Graduate Degree in Advanced Nursing. I spent nearly 30 years working in Public Sector mental health services in a variety of roles including clinical and management. For the last 20 years I have owned and operated SwingShift Nurses agency.

SERVICES PROVIDED BY SWINGSHIFT NURSES

3. What services does Your Agency usually provide?

3.1 SwingShift Nurses provides casual replacement supplementary nursing services to both public and private sector health services.

4. What is Your Agency's usual client profile?

4.1 Predominately Public Sector mental health health services. Also a small proportion of private sector mental health and other miscellaneous clients

5. To what extent, prior to the Hotel Quarantine Program, had Your Agency provided services to the Victorian government?

5.1 Approximately 95% of our services are provided to the Victorian Government.

INVOLVEMENT OF SWINGSHIFT NURSES IN THE HOTEL QUARANTINE PROGRAM

6. When and how did Your Agency first become aware that there was to be a role for nursing agencies in the Hotel Quarantine Program?

6.1 We were first contacted on or about 15 April 2020 when we were contacted by **REDACTED** **REDACTED** from Emergency Management by phone and subsequent email.

7. Did Your Agency enter into any agreement with the Victorian government to provide services as part of the Hotel Quarantine Program? If so, please provide details, including whether the agreement was in writing or otherwise and whether there was any variation of that agreement over time.

7.1 Our agency is on the Health Purchasing Victoria tender panel to provide nursing services to the Victorian Government through HPVC 2017-081 Agency Labour – Clinical and Support tender. We are required to follow the requirements of that agreement. Attached and marked as “Annexure A – Invitation to Supply Statement of Requirements – SWI-0001-0001-0001” is a copy of the statement of requirements. Attached and marked “Annexure B – Copy of Schedule – SWI-0001-0001-0002” is a copy of the signed schedule.

8. Prior to reaching any agreement with the Victorian government, was there any discussion, negotiation, direction or terms agreed as to:

- (a) **Infection control,**
- (b) **Personal protective equipment (‘PPE’):**
- (c) **Specialised training for nursing staff working in the Hotel Quarantine Program?**
- (d) **If so, please describe:**

8.1 In response to 8(a): We were advised that infection control was being managed by Department of Health and Human Services (‘DHHS’) and at some point were further advised that Alfred Health was responsible for providing guidelines and monitoring.

8.2 In response to 8(b): We were advised that all PPE necessary was being provided by DHHS.

8.3 In response to 8(c): We were advised that our nurses would be provided with full induction on their role, use of PPE and operating procedures at each hotel including all local protocols relating to infection control. Attached and marked is “Annexure C – Operation Soteria - PPE Advice for Hotel Security Staff and AO’s – SWI-0001-0001-0003” is a copy of the DHHS regulations pertaining to Personal Protective Equipment advice that was attached to the email from Sandy Austin of DHHS dated 20 June 2020 at Annexure L.

8.4 Further to this we required all our nurses working in the Program to complete the Commonwealth Government COVID-19 Training, Infection Control online training module. We also requested that they access our online training portal offering programs in Infection Control.

9. Does Your Agency currently provide services to the Hotel Quarantine Program? If so, what services do you currently provide?

9.1 No.

PROVISION OF NURSING STAFF TO QUARANTINE HOTELS

10. For each quarantine hotel to which Your Agency provided nursing staff, please state:

- (a) the name of the hotel(s);**
- (b) the number of nursing staff rostered to each shift at each hotel;**
- (c) the specialisation(s) of nursing staff rostered;**
- (d) the qualifications and experience of nursing staff rostered;**
- (e) the number of shifts per day; and**
- (f) the duties and responsibilities of the nursing staff rostered for each shift.**

10.1 Attached and marked as “Annexure D – SwingShift Nurses Provision of Nursing Staff to Quarantine Hotels – SWI-0001-0001-0004” is a copy of the document which outlines details.

10.2 In response to 10(a)(b)(c)(d)(e)(f):

- 10.2.1 Crown Promenade; one staff member; specialisation mental health, qualifications registered psychiatric nurse with Acute Mental Health nursing experience, shifts ‘AM, PM and ND’; position description to provide mental health support, risk assessments and welfare checks for individuals in hotel quarantine.
- 10.2.2 Four Points Sheraton Melbourne Docklands; one staff member; specialisation mental health; qualifications registered psychiatric nurse with Acute Mental Health nursing experience; shifts ‘AM, PM and ND’; position description: to provide mental health support, risk assessments and welfare checks for individuals in hotel quarantine.
- 10.2.3 Holiday Inn Melbourne Airport; one staff member; specialisation mental health; qualifications registered psychiatric nurse with Acute Mental Health nursing experience; shifts ‘AM, PM and ND’; position description: to provide mental health support, risk assessments and welfare checks for individuals in hotel quarantine.
- 10.2.4 Mercure Welcome Melbourne; one staff member; specialisation mental health; qualifications registered psychiatric nurse with Acute Mental Health nursing experience; shifts ‘AM, PM and ND’; position description: to provide mental health support, risk assessments and welfare checks for individuals in hotel quarantine.
- 10.2.5 Metropol Melbourne; one staff member; specialisation mental health; qualifications registered psychiatric nurse with Acute Mental Health nursing experience; shifts ‘AM, PM and ND’; position description: to provide mental health support, risk assessments and welfare checks for individuals in hotel quarantine.
- 10.2.6 Novotel Melbourne on Collins; two staff members; specialisation mental health; qualifications registered psychiatric nurse with Acute Mental Health nursing experience; shifts ‘AM, PM and ND’; position description: to provide mental health support, risk assessments and welfare checks for individuals in hotel quarantine.
- 10.2.7 Novotel Melbourne South Wharf; two staff members; specialisation mental health; qualifications registered psychiatric nurse with Acute Mental Health nursing experience; shifts ‘AM, PM and ND’; position description: to provide mental health

- support, risk assessments and welfare checks for individuals in hotel quarantine.
- 10.2.8 Pan Pacific; one staff member; specialisation mental health; qualifications registered psychiatric nurse with Acute Mental Health nursing experience; shifts 'AM, PM and ND'; position description: to provide mental health support, risk assessments and welfare checks for individuals in hotel quarantine.
- 10.2.9 Rydges Swanston Street; one staff member; specialisation mental health; qualifications registered psychiatric nurse with Acute Mental Health nursing experience; shifts 'AM, PM and ND'; position description: to provide mental health support, risk assessments and welfare checks for individuals in hotel quarantine.
- 10.2.10 Stamford Plaza; one staff member; specialisation mental health; qualifications registered psychiatric nurse with Acute Mental Health nursing experience; shifts 'AM, PM and ND'; position description: to provide mental health support, risk assessments and welfare checks for individuals in hotel quarantine.
- 10.2.11 Travelodge South bank; one staff member; specialisation mental health; qualifications registered psychiatric nurse with Acute Mental Health nursing experience; shifts 'AM, PM and ND'; position description: to provide mental health support, risk assessments and welfare checks for individuals in hotel quarantine.
- 10.2.12 Brady's Hotel Central, one staff member; specialisation mental health; qualifications registered psychiatric nurse with Acute Mental Health nursing experience; shifts 'AM, PM and ND'; position description: to provide mental health support, risk assessments and welfare checks for individuals in hotel quarantine.
- 10.2.13 Hotel Grand Chancellor; one staff member; specialisation mental health; qualifications registered psychiatric nurse with Acute Mental Health nursing experience; shifts 'AM, PM and ND'; position description: to provide mental health support, risk assessments and welfare checks for individuals in hotel quarantine.
- 10.2.14 Melbourne Marriott; one staff member; specialisation mental health; qualifications registered psychiatric nurse with Acute Mental Health nursing experience; shifts 'AM, PM and ND'; position description: to provide mental health support, risk assessments and welfare checks for individuals in hotel quarantine.
- 10.2.15 ~~Mereure Welcome~~ ParkRoyal Hotel, Melbourne Airport; one staff member; specialisation mental health; qualifications registered psychiatric nurse with Acute Mental Health nursing experience; shifts 'AM, PM and ND'; position description: to provide mental health support, risk assessments and welfare checks for individuals in hotel quarantine.

10.2.16 Pullman Melbourne; one staff member; specialisation mental health; qualifications registered psychiatric nurse with Acute Mental Health nursing experience; shifts 'AM, PM and ND'; position description: to provide mental health support, risk assessments and welfare checks for individuals in hotel quarantine.

10.2.17 Holiday Inn Melbourne on Flinders; one staff member; specialisation mental health; qualifications registered psychiatric nurse with Acute Mental Health nursing experience; shifts 'AM, PM and ND'; position description: to provide mental health support, risk assessments and welfare checks for individuals in hotel quarantine.

10.3 Not all hotels were open at once with them constantly opening and closing

10.4 Numbers of nurses per shift sometimes varied according to the mental health demands of the guests.

11. As far as you are aware, were nursing staff provided to hotels by any agency or organisation other than yours? If so, what were those agencies or organisations.

11.1 General Nurses were supplied by Your Nursing Agency (YNA) Nursing Agency. They also were providing mental health nurses prior to SwingShift Nurses taking over that role.

12. To your knowledge, were any nursing staff rostered to work at quarantine hotels also working during the relevant time at other locations (including aged care facilities)? If so, please provide details.

12.1 Agency nurses often work through a number of health services or other agencies. As a result we were not aware of all other locations where nurses we deploy work when not performing shifts through our agency.

12.2 During the initial period of providing nurses to the Hotel Quarantine Program we had some nurses working at both hotels and at mental health facilities. We progressively established 'teams' of nurses dedicated to the hotels and did not deploy them to health services. As the program wound down we required a minimum period of 7 days before deploying nurses who had worked in the hotels back to health services. At no stage did we deploy any nurses working in the Hotel Quarantine Program to Aged Care facilities.

DIRECTION AND DECISION MAKING

13 How were decisions made about rostering of nursing staff (including relating to numbers of staff, their experience and their specialisation(s))?

13.1 We were notified in advance on any hotels that were either opening, closing or requiring a staff increase by Operation Soteria – Planning and Rostering generally by email but occasionally via a telephone call.

13.2 There were no changes requested regarding the qualifications and/or experience of the nurses provided that deviated from the original brief.

14 For each of the hotels at which Your Agency provided services:

(a) who was your contact (if any) at the Department of Health and Human Services;
and

(b) what directions, information and requests (if any) were given to you by
Department of Health and Human Services regarding nursing care and duties?

14.1 In response to 14(a): Our original contact was REDACTED from Emergency Management and REDACTED, Deputy State Health Coordinator. We had no identified ongoing contact specifically from DHHS other than staff from the Planning and Rostering, Deputy Commander and Commander of Operation Soteria. We were not provided with contact details for anyone responsible for Clinical Coordination.

14.2 In response to 14(b): REDACTED provided us with an initial brief of our role which was "In summary the role of the mental health nurse is to provide mental health risk assessments of travellers, and manage any travellers with a documented history of mental illness or other mental health conditions, or who are displaying emerging signs of risk. The registered nurses that are currently rostered on at hotels are managing the swabbing for testing, general chronic disease management (such as blood glucose testing), and things such as wound care, so the mental health nurse will be providing an entirely different scope of practice to the general nursing."

14.3 There have been small numbers of travellers with trauma and a range of conditions, including claustrophobia, AOD complexities, depressive disorders etc. Other travellers have required medication management. There are GPs available and secondary consultations/referrals through Melbourne Health and the Alfred. There have been a very small number of travellers that have had very complex needs, which sit outside the scope of practice of a registered nurse and which is when a mental health nurse with a psychiatric background would have been necessary." Attached and marked as "Annexure E - REDACTED email-SWI-0001-0001-0005" is a copy of the email chain detailing this description.

14.4 We were also provided with a position description for a Mental Health Nurse. Attached and marked as Annexure F - Position Description - SWI-0001-0001-0006" is a copy of the position description.

15 For each hotel at which Your Agency provided services:

(a) who was your contact (if any) at Department of Jobs Precincts and Regions; and

(b) what directions, information and requests (if any) were given to you by the Department of Jobs Precincts and Regions regarding nursing care and duties?

15.1 In response to 15(a): We were not informed of a contact at Department of Jobs Precincts and Regions

15.2 In response to 15(b): Nil as far as I am aware. All requests came through Operations Soteria.

16 Have any directions, information or requests been given to you by any other government department or agency, in relation to the Hotel Quarantine Program? If so, please provide details.

16.1 Staff from the Public Health Operations COVID-19 response department in relation to quarantining staff who experienced a close contact.

17 Have the directions, information and requests given to you by any government department or agency changed over time? If so, please provide details.

17.1 Yes. Staff from Public Health Operations directions to quarantine staff became progressively delayed.

TRAINING AND SUPERVISION

18 What (if any) training was provided to your staff by:

(a) any, and if so, which government department or agency;

(b) Your Agency, regarding COVID19 and how to work in a safe manner?

18.1 In response to 18(a): We were informed that the Team Leader at each hotel would provide orientation on local safe practise in line with each individual role and that the Authorising Officer would ensure this was carried out.

18.2 In response to 18 (b): All nurses deployed to the Hotel Quarantine Program were instructed by SwingShift Nurses to complete the Commonwealth Government COVID-19 Training, Infection Control online training module which was emailed to them. Attached and marked Annexure G – “SwingShift Nurses Update – SWI-0001-0001-0007” is a copy of the email requesting nursing staff to complete this training.

18.3 Once nursing staff had completed the training module, they received a Certificate of Completion and were required to submit this Certificate to SwingShift Nurses. Attached and marked Annexure H – ‘[REDACTED] certificate of PPE Training - SWI-0001-0001-0008’ is an example of a staff member who had received the email, completed the training and provided a copy of the certificate upon completion.

18.4 We also requested that they access our online training portal offering programs in Infection Control and COVID-19 training. The nursing staff were directed to complete the training module by accessing our online website.

19 What onsite supervision was in place for Your Agency’s nursing staff at each hotel?

19.1 We were informed the activities of our staff would be supervised by the Team Leader and Authorising Officer at each hotel.

PERSONAL PROTECTIVE EQUIPMENT (‘PPE’)

20 What PPE (if any) was provided to your nursing staff by:

(a) any, and if so, which government department or agency;

(b) Your Agency.

20.1 In response to 20(a): All PPE was provided by staff working at each individual hotel and organised by the Team Leader.

20.2 In response to 20(b): Nil required to be provided.

21 Were your nursing staff at any time required to provide their own PPE for their work at quarantine hotels?

21.1 No.

22 What directions or training did your nursing staff receive about when and how to use PPE, in relation to the Hotel Quarantine Program? Who gave that direction and provided that training?

22.1 As stated previously we required all staff participating in the Quarantine Program to complete online training which was provided by us.

22.2 My understanding from our nurses is that further training and induction into local protocols was provided by the Team Leaders at the hotels

23 As far as you are aware, was there ever a shortage of PPE at quarantine hotels? If so, how was that shortage managed?

23.1 According to our staff there was never a shortage of PPE at the hotels unless staff forgot to order it.

24 Was Your Agency ever asked to provide PPE to anyone at quarantine hotels other than your nursing staff? If so, please provide details.

24.1 No

OTHER EQUIPMENT

25 Other than PPE, what equipment (if any) was provided by:

(a) any, and if so, which government department or agency;

(b) Your Agency, for your staff use at quarantine hotels (for example, equipment to monitor blood pressure, SaO2 monitors etc)?

25.1 In response to 25(a): Mobile telephone was provided by the Team Leader at each hotel if it was necessary. Our nurses were not required to perform any testing or blood taking.

25.2 In response to 25(b): Nil.

26. As far as you are aware, was there ever a shortage of necessary equipment (other than PPE) at quarantine hotels? If so, how was that shortage managed?

26.1 I am not aware of any shortages of equipment other than PPE due to the fact our nurses were not required to perform duties that required its use.

COMPLAINTS AND CONCERNS

27 Who was responsible for identifying and addressing health and safety risks to nursing staff arising from the Hotel Quarantine Program?

27.1 At the commencement of our supply we were informed that OH&S issues were covered by staff expert in that area and that Alfred Health was providing infection control oversight,

development of protocols and monitoring proper use of PPE. We were also informed that Team Leaders had the responsibility for ensuring health and safety risks were properly managed.

27.2 Our nurses also notified us that Worksafe had been in attendance at various locations across the program.

27.3 We also spoke with our nurses to determine work conditions in an effort to identify any potential risks.

28 What risks were identified? What was done (if anything) to mitigate those risks? In your opinion, were those measures adequate and effective?

28.1 Expansion of risks and complaints elaborated on in response to Question 30 however the risks included:

28.1.1 Poor use of PPE by security staff – infection risk;

28.1.2 Provision of alcohol to guests which resulted in escalating poor behaviour on occasions – threat to nurses and guests;

28.1.3 Nurses being abused, filmed and threatened by guests – threat to nurses;

28.1.4 Management of acutely mentally ill guests – threat to nurses and others;

28.1.5 Poor design of the accommodation resulting in difficulty maintaining appropriate social distancing – infection risk;

28.1.6 Poor protocols in some hotels without due regard to infection control measures – infection risk.

29 Who was responsible for identifying and acting on complaints or concerns regarding work conditions for nursing staff in relation to the Hotel Quarantine Program?

29.1 We were informed that Team Leaders and Authorising Officers were responsible for identifying and acting upon complaints and concerns.

29.2 Our nursing staff identified a number of concerns including poor infection control practises and notified us.

29.3 Our agency was responsible for acting on complaints received from our nursing staff

30 What complaints and concerns (if any) were raised? In relation to each, please:

(a) provide the details of each complaint;

(b) explain how the complaint or concern was dealt with, including any persons to whom the complaint was relayed; and

(c) describe what outcome, if any, was achieved in relation to the subject matter of the complaint?

30.1 In response to Question 30(a):

30.1.2 We received a number of complaints from our staff. One complaint was made by

██████████ (SwingShift Nurse) who was working at Brady's Hotel when it was first opened. ██████████ made complaints about matters such as: lack of contamination bins,

poor protocols and training of security staff as they were not wearing security masks, no adequate medical trolley available to carry, clean and manage medical equipment, lack of appreciation of risks being posed to staff and dismissal of staff concerns.

30.1.3 "Attached and marked Annexure I – Complaint Email by [REDACTED] – SWI-0001-0001-0009".

30.1.4 Numerous complaints were raised from nurses being unable to log into the hotel quarantine Electronic Medical Record (EMR) system. This created a risk for the guests by not ensuring correct communications between all staff, especially the clinical teams.

30.1.5 A number of nurses complained about general protocols for safe practice within various hotels primarily related to use of PPE and social distancing. Many of these complaints were about lack of protocols when taking guests for walks and inappropriately spaced work areas. Most of these complaints were made by phone calls to staff at SwingShift Nurses.

30.2 In response to Question 30(b):

30.2.1 [REDACTED] complaint was relayed by Eric Smith onto Sandy Austin, at the Department of Health and Human Services. It was sent to assist with "tightening up practice at the hotel." And the issues stated in [REDACTED] emails were noted as "quite concerning."

30.2.2 "Attached and marked Annexure J – Email to Sandy Austin – SWI-0001-0001-0010" is a copy of the email sent.

30.2.3 The complaints made about the EMR system were sent to Sandy Austin of DHHS who involved [REDACTED] Deputy Manager of Emergency Operations. Attached and marked Annexure "K – Email to [REDACTED] – SWI-0001-0001-0011" is a copy of the email sent to [REDACTED]

30.2.4 The complaints staff made about general protocols for complaints with safe practice were generally relayed to staff at Operation Soteria in the form of telephone calls and were made also to staff at SwingShift Nurses.

30.3 In response to Question 30(c):

30.3.1 The outcome of [REDACTED]'s complaints was expressed in Sandy Austin's confidential email. This email addressed matters such as the "exit baggage handling" of people leaving quarantine. In which team members from "The Infection Control team" would be present to help with "proposed methods."

30.3.2 There were recommendations put forward by [REDACTED] about "Infection Prevention" such as: "all departing guests are provided with hospital grade alcohol based disinfectant wipes to wipe down their luggage."

30.3.3 Attached and marked "Annexure L – Email from Sandy Austin – SWI-0001-0001-

0012" is a copy of the email which outlines the outcome. I acknowledge that document "SWI-0001-0001-0012" has been marked as confidential. However, I note that the email has been circulated to many parties and further understand that I am being required by law in this inquiry to put aside any confidentiality that may arguably be attached to the document.

30.3.4 In response to the nursing staff being unable to log-into the EMR system, **REDACTED** **REDACTED** was able to provide the access codes and log in details to the nursing staff.

30.3.6 The outcome of the expressed verbal concerns, was that they were generally relayed to staff at Operation Soteria during telephone calls. I do not have written evidence of these complaints or of the outcome.

31 Did you or Your Agency identify or receive notice of any poor or unacceptable conduct by any person in connection with the Hotel Quarantine Program? If so:

- (a) what were the details;
- (b) how were those issues dealt with; and
- (c) what was the outcome?

31.1 Nil.

32. As far as you are aware, have any nursing staff from Your Agency involved in the Hotel Quarantine Program tested positive for COVID-19? If so (without providing information that would identify such persons specifically) please provide the details of how you became so aware, including the dates, and any hotel(s) at which such staff had been rostered prior to testing positive.

32.1 During the whole program only 1 of our nurses contracted COVID-19. We were notified by our nurse directly that they had tested positive. He was tested due to a close contact at the Rydges Hotel where he had worked.

POST-SHIFT ARRANGEMENTS

33 What (if any) direction or guidance was provided to nursing staff by:

- (a) any, and if so which, government department; \
- (b) Your Agency, regarding precautions to undertake after completing their duties at quarantine hotels?

33.1 In response to 33(a): Nil.

33.2 In response to 33(b): We contacted all nurses as they progressively left the Program when hotels were closing down to ensure we were notified if they developed any symptoms associated with COVID-19.

33.3 We also did not deploy them to any health services for at least 7 days from their last date working in the Program.

ADDITIONAL INFORMATION

34. If you wish to include any additional information in your witness statement, please set it out below.

Dated this ~~day of August~~ 4 ~~September~~ September 2020.



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Signed by Eric Lindsay Smith, ~~Managing~~ Director of Australian Nursing Agency Pty Ltd
ABN 11 094 458 429 (Trading as ~~SwingShift~~ Nurses).