

**TRANSCRIPT OF PROCEEDINGS**

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**INQUIRY INTO THE COVID-19 HOTEL QUARANTINE PROGRAM**

**BOARD: THE HONOURABLE JENNIFER COATE AO**

**DAY 21**

**10.00 AM, MONDAY, 21 SEPTEMBER 2020**

**MELBOURNE, VICTORIA**

**MR A. NEAL QC appears with MS R. ELLYARD, MR B. IHLE,  
MR S. BRNOVIC and MS J. MOIR as Counsel Assisting the Board of Inquiry**

**MR D. STAR QC appears with MS J. DAVIDSON, MR T. GOODWIN and  
MR J. HARTLEY for the Chief Commissioner of Victoria Police**

**MS J. FIRKIN QC appears with MS S. KEATING for the Department of  
Environment, Land, Water and Planning**

**MS C. HARRIS QC appears with MS P. KNOWLES and MR M. McLAY for  
the Department of Health and Human Services**

**MS J. CONDON QC appears with MS R. PRESTON and MR R. CHAILE for  
the Department of Jobs, Precincts and Regions**

**DR K. HANSCOMBE QC appears with MS H. TIPLADY for the Department  
of Justice and Community Safety**

**MR R. ATTIWILL QC appears with MS C. MINTZ for the Department of Premier and Cabinet**

**MS S. McNICOL QC appears with MR E. NEKVAPIL and MR D. PORTEOUS for the Hon. Lisa Neville MP, Minister for Police and Emergency Services**

**MS A. ROBERTSON appears with MS E. GOLSHTEIN for MSS Security Pty Ltd**

**MR A. WOODS appears for Rydges Hotels Ltd**

**MR A. MOSES SC appears with MS J. ALDERSON for Unified Security Group (Australia) Pty Ltd**

**MR R. CRAIG SC appears with MR D. OLDFIELD for Wilson Security Pty Ltd**

**MS D. SIEMENSMA appears for Your Nursing Agency (Victoria) Pty Ltd**

CHAIR: Good morning, Ms Ellyard.

MS ELLYARD: Good morning, Madam Chair. The first witness, or the witness, for  
5 today is Mr Christopher Eccles, who appears. I'll ask your Associate to administer  
the affirmation to him.

CHAIR: Thank you. Good morning, Mr Eccles.

MR ECCLES: Good morning, Madam Chair.  
10

CHAIR: I understand that you can see and hear us well. You understand that for the  
purpose of taking your evidence you will need to take the affirmation first. I'll have  
my Associate do that.

15 MR ECCLES: Thank you.

CHAIR: Thanks, Madam Associate.

20 **MR CHRISTOPHER BARCROFT ECCLES, AFFIRMED**

CHAIR: Thanks, Mr Eccles, I'll hand you over to Ms Ellyard now.

25 **EXAMINATION BY MS ELLYARD**

MS ELLYARD: Thank you, Madam Chair. Mr Eccles, could you tell the Board  
30 again your full name and your present occupation.

A. Christopher Barcroft Eccles, Secretary, Department of Premier and Cabinet,  
Victoria.

35 Q. You have made two statements in response to requests made of you by the Board  
of Inquiry?

A. Yes, Ms Ellyard.

40 Q. The first of those is dated 8 September 2020. Do you have a copy of that  
statement with you?

A. Yes, I do.

45 Q. Are the contents of the statement true and correct?

A. Yes, they are.

MS ELLYARD: I tender that first statement, Madam Chair.

CHAIR: Exhibit 177.

5

**EXHIBIT #177 --- STATEMENT OF CHRISTOPHER BARCROFT ECCLES**

10 MS ELLYARD: Mr Eccles, in that statement you refer to, by way of footnoting, a number of documents which have been numbered according to the Board of Inquiry's numbering system. Those are documents that you have had regard to or otherwise wish to have included as part of the evidence contained in the statement.

15 A. Yes, thank you.

MS ELLYARD: Madam Chair, I tender the bundle of attachments, being the bundle contained in the produced for tendering folder under this witness, the attachments to his statement.

20

CHAIR: Exhibit 178.

**EXHIBIT #178 --- ANNEXURES TO STATEMENT OF CHRISTOPHER BARCROFT ECCLES**

25

MS ELLYARD: Mr Eccles, more recently you have made a second shorter statement dated 16 September 2020?

30

A. Yes, Ms Ellyard.

Q. Again, you have that statement with you?

35

A. Yes, I do.

Q. Are the contents of it true and correct?

40

A. They are.

MS ELLYARD: I tender that supplementary statement, Madam Chair.

CHAIR: Exhibit 179.

45

**EXHIBIT #179 --- SECOND STATEMENT OF CHRISTOPHER BARCROFT ECCLES**

MS ELLYARD: And then finally by way of housekeeping for today, in that second statement you refer to by way of footnoting a number of documents which you wish  
5 to have produced as part of the evidence contained in that second statement.

A. Yes, please.

MS ELLYARD: Madam Chair, I tender that bundle of documents, being the  
10 attachments to the supplementary statement of Mr Eccles.

CHAIR: Thank you, Exhibit 180.

15 **EXHIBIT #180 --- ANNEXURES TO SECOND STATEMENT OF  
CHRISTOPHER BARCROFT ECCLES**

MS ELLYARD: Thank you.

20 Mr Eccles, may I begin with your first statement. At paragraph 1 and following you set out your own relevant work experience. For how long have you held the role of Secretary to the Department of Premier and Cabinet?

25 A. In Victoria since November 2014.

Q. And you have anticipated my previous question. You held a corresponding role in another State previously; is that right?

30 A. Two other States, Ms Ellyard, New South Wales and South Australia.

Q. Thank you. At paragraph 8 and following you summarise, perhaps first I'll direct your attention to paragraph 10 and following, the role of the Department of Premier and Cabinet in Victoria. Might I invite you by reference to those paragraphs to  
35 summarise the key roles and duties of the Department of which you are a head?

A. Certainly, Ms Ellyard. The role of the Department of Premier and Cabinet in its shortest form is to support me in my leadership of the Victorian Public Service and in my role as the principal policy adviser to the Premier. It has a range of related and  
40 specific roles, including supporting the functioning of Cabinet, responsible for the relations and interactions with the Commonwealth and State and Territory governments, the development and implementation of government policies and programs and making sure they are aligned with the government's overall direction. I think that is probably it, in its essence, Ms Ellyard.

45 Q. Then at paragraph 19 you deal more specifically with your role. You have already mentioned the extent to which DPC's role is to support you in the

performance of your functions. What are your functions as the Secretary to the Department?

5 A. Again, I would summarise it as my principal role as the Head of Department is as the chief executive of an organisation of some 1,100 people, so I have to exercise all of the responsibilities that go with the leadership of a broad and diverse department that has conventional roles in the form of the shadow functions of a Premier's Department but also has line responsibilities for a whole series of matters ranging from Aboriginal affairs, industrial affairs, multicultural affairs and so forth.

10

Q. Thank you. At paragraph 20 of your first statement you refer to a particular role that you hold that has some relevance to the Board's work because it relates to emergency management arrangements. Could you tell us about that, please?

15 A. Sure. The particular council there is the State Crisis and Resilience Council, which is the body that is charged with the development of whole of the government policy and strategy for emergency management in Victoria. I think it is also relevant to note that what it doesn't have the responsibility for, which is it doesn't have operational responsibility for specific emergency responses, which sits with the  
20 Emergency Management Commissioner.

CHAIR: I think we may have lost our connection to Ms Ellyard, Mr Eccles.

25 A. Yes, Madam Chair.

CHAIR: Will you just bear with us for a moment. My apologies, I'm terribly sorry about that.

30 If you would just bear with us for a moment, I anticipate what Ms Ellyard is doing at the moment is endeavouring to reconnect through a stable connection. We have got you back, Ms Ellyard.

35 MS ELLYARD: My apologies, Madam Chair. I apologise to you and Mr Eccles. I thought the fault lay with his server but it didn't, it lay with mine. I apologise for thinking that, Mr Eccles.

40 Q. I think you completed your answer, Mr Eccles, about the role of the Council and the extent to which --- you deal in your statement with the fact it didn't directly deal itself with the Hotel Quarantine Program.

45 May I ask you about the distinction that exists and is to be drawn between the work of your Department, the Department of Premier and Cabinet, on the one hand, and the work of those who work in the Premier's Office on the other hand. There is a reference in the documents you have produced to the existence of that office and the work done by it. What is the distinction between what they do and what your Department does?

5 A. The Department is made up of public servants who have a particular responsibility to operate in an impartial fashion. The fundamental difference with those who serve the Premier and the Premier's Private Office is that they are not so bound by concepts of impartiality, so that they --- we serve similar functions in providing streams of policy advice and support to the Premier but our fundamental motivation is distinct on the basis I have just described.

10 Q. Will that mean there are occasions where there is a role for the Minister's Office in briefing or advising on matters that will be different from the role that's being played by your office?

A. Yes, that's correct.

15 Q. And so, for example, where matters concerning public statements that might be made by the Premier, or announcements that are to be made, to what extent would the preparation, for example, of remarks that might be made or documents that might be used by the Premier be derived from your office as opposed to being derived from the private Office of the Premier?

20 A. Yes, we would in the normal course provide the factual information to support the preparation of the statement by the Premier by his office.

25 Q. Thank you. At paragraph 12 of your statement you refer to the role of your Department in supporting the functioning of Cabinet as the vehicle through which decisions of the Government are made. The Board is aware and you deal in your statement with the existence of a Crisis Council of Cabinet that was established not merely with reference to the Hotel Quarantine Program but as a response to the COVID-19 pandemic more than generally. Could you summarise for us, please, from your understanding how that council came into effect and the role which it was performing in the structures of governance?

30 A. Certainly. I think to take a step back, the unprecedented and unique challenges faced by Government with the pandemic, and we needed to respond to that with all of our --- the architecture of Government. If I was to reduce that mission to its most elementary form, it was to take good decisions quickly. The elements of taking those good decisions quickly, to respond to the pandemic, were probably threefold: one was to concentrate or consolidate decision-making, and that was the role of the crisis council; the second was to get our most senior people focused on what matters, which required Secretaries to be accountable for a series of missions, where we reorganised the focus of the public service around eight and then that became six  
40 missions; and then to streamline the advice to the decision-makers. They were the three elements. The streamlining of that advice took the form of the Missions Coordination Committee, which had the function of acting, as my statement describes, as a clearing house for submissions to travel to the CCC.

45 Just to give you one indication of what that meant in practice, just to give you a sense of the speed with which activities moved, between 27 March and 30 April there were

nine National Cabinet meetings, eight CCC meetings and four Cabinet meetings. So Cabinet continued through that period as well. So it gives you, in crude form, some indication of the volume of activity that was --- that we were all faced with, not only at the beginning of the crisis but through the course of the crisis.

5

Probably one salient point, Ms Ellyard, is that as a result of the creation of the Crisis Council, it replaced all Cabinet Committees, so the Cabinet Committees were subsumed within the operations of the Crisis Council.

10 Q. You mentioned there too the meetings of National Cabinet. Without wanting you to talk about the details of what's discussed at National Cabinet, is a feature of the State's response to the COVID pandemic in recent months the existence of the body that is called National Cabinet, which has been a forum at which matters pertinent to COVID-19 and responses have been discussed at a national level?

15

A. That's correct.

Q. And to some extent the ways in which actions have been taken within Victoria have been influenced or led by decisions made and discussions occurring at National  
20 Cabinet?

A. Indeed.

Q. So you mentioned the Missions Coordination Committee. May I ask, perhaps by  
25 way of illustration, that a document be brought up, Mr Operator. It is DPC.0001.0002.0003. Once we get there, we will go through a couple of pages but we will start with the first page. Mr Eccles, this is a document that you have produced which appears to be firstly the agenda and then some attachments to a meeting of the Missions Coordination Committee?

30

A. That's correct.

Q. And we see there a list of the proposed attendees, which largely comprised  
35 secretaries of relevant departments?

35

A. Largely.

Q. But not just?

40

A. Not just.

Q. What is the rationale for who was in this committee?

A. The rationale was again to streamline the advice that went forward to the Crisis  
45 Council. And it was done very consciously and up to the point that we have included within the membership members of the political class as well as public servants, and that was simply for the sake of efficiency to ensure that all relevant considerations,



absent political considerations, were brought to bear in the advice to CCC. It didn't prevent the members of the Premier's Private Office and the Treasurer's Private Office also providing, separately to the work of the Missions Coordination Committee, their political input but they also provide a strenuous and strong policy input, and it was for the sake of efficiency that we would gather them into the single orbit, if you like, to present as a --- to present a consolidated position to CCC on the policy merits of particular matters. Again, to repeat myself, the politics associated with that weren't comprehended by the work of the MCC.

5  
10 Q. If we go through this document, through to page 9 in the document, page 0009, this is an early iteration, I think, because it refers to eight missions and you have indicated that in the end there were --- a couple of pages back, thank you, Mr Operator, to page that says "Mission 1, health emergency". Perhaps it's page 8. Mr Eccles, you said there started out with eight missions and there ended up being  
15 six. I think this is an early iteration of the document.

A. Yes.

20 Q. It appears the first mission was health emergency?

A. That's correct.

25 Q. We see on this page what was at this stage, around 17 April, a proposed structure for how that mission would be led within the Victorian Government; is that right?

A. Specifically within the Department of Health and Human Services. But yes.

30 Q. And so there's a reference over on the right-hand side, down the bottom, to the CCC Minister?

A. Yes.

35 Q. What's the link, perhaps using this as an example, between the Missions Coordination Committee and the Crisis Council of Cabinet?

A. It's the --- well, the link between the Mission and the Crisis Council is the portfolio Minister who has responsibility for the Department of Health and Human Services' COVID response, which in this instance is Minister Mikakos. She's the connection, if you like, between the public service and the work that is done pursuant to the mission and the presentation of that product, if you like, in the form of Cabinet material to CCC.

45 Q. Thank you. So certainly in this document, which is dated 17 April, we see that there was the proposed structure for how the Department of Health and Human Services was going to organise itself for the purposes of this mission. There is reference there to those who were going to perform particular functions and other people sitting underneath them.

A. Yes.

5 Q. As best you can say, Mr Eccles, who would have created this document? Would DHHS themselves have formed a view about how their own response should be structured or was it something that was discussed at a more general level with input from other Departments?

10 A. It would have been --- it would have been developed in accordance with a template that we would have developed within DPC, to ensure general consistency of the way material is presented. But it would have been populated principally by reference to the work of the Department of Health and Human Services, although in a number of cases --- I'm trying to see if any are there on the right-hand side --- they would, as necessary, bring to account the perspective of other agencies in developing  
15 up their mission implementation plan.

Q. Thank you. We see there, under the proposed structure, a reference to Ms Skilbeck, who has given evidence to the Board, and evidence that suggests a number of people were reporting to her or were contemplated to be reporting,  
20 including the COVID-19 Accommodation Commander, Ms Williams, who the Board has heard had responsibility at a period of time for the Hotel Quarantine Program. That can come from the screen, Mr Operator.

25 If we look to paragraph 75 of your first witness statement, you say that the Hotel Quarantine Program wasn't under the operational control of the Missions Coordination Committee or the Crisis Council because it was being run as an emergency management response?

30 A. Yes.

Q. Can I ask you to explain why that's so? In the sense of why it is that the fact that something is being run as an emergency management response somehow led it to be sitting outside what you have described as being a whole of government response to the health emergency.

35 A. It wasn't wholly sitting outside because underneath the health emergency mission implementation plan there is a particular reference to the public health intervention and as a subset of that public health intervention, I understand the elements of the quarantine program were captured and reported. So, for example, an example of a matter that went to --- that was reported on to the MCC under the Health Mission  
40 Implementation Plan was the limited availability of Authorised Officers. Now, to the level of --- a level of generality, the report didn't go anywhere near the level of detail that would be within, for example, the documentation related to Operation Soteria, but they weren't wholly separate, there was some accounting for some elements of  
45 the work of the quarantine program through the development of the Mission Implementation Plan. But it was at a reasonably high level rather than it being at the level of detail that you would be familiar with from the Operation Soteria plan.

Q. Thanks, Mr Eccles, that makes that clear.

5 May I turn then to some questions about your level of knowledge and involvement, Mr Eccles, having regard to the totality of your duties, in the issue that the Board is investigating, which is the Hotel Quarantine Program, which the Board has heard came into effect following a decision of National Cabinet on 27 March. As I understand from your statement, you were present as part of your role at the National Cabinet meeting?

10

A. Yes.

Q. And I would assume had some role in being aware in advance of issues that might come up for discussion and that might require decisions?

15

A. Yes. I think I describe in my statement that a --- that the high-level strategic settings of the Hotel Quarantine Program was my particular focus and the best representation of those settings is probably found within the material that was --- bore upon the Hotel Quarantine Program that found its way to --- I'll use the abbreviation, if that's okay with you --- CCC, and they were matters of funding, matters associated with the model of delivery and matters of governance. So I think there was a fairly close relationship between the matters that were related to the Hotel Quarantine Program that found their way to CCC and my, if you like, level of engagement and interest.

25

Q. May I ask you about your level of knowledge in advance of 27 March about whether any form of hotel-based quarantine might be considered, whether by the Victorian Government or anywhere else? When do you first recall becoming aware that was the possibility that some kind of hotel-based quarantine program might be in place in Victoria?

30

A. I don't know that I had an awareness ahead of the specifics of a Hotel Quarantine Program in the form that it finally found expression on 27 March. I was aware from the --- an Expenditure Review Committee submission on 20 March of funding that was being made available for the Emergency Accommodation Program, which comprehended the idea of there being support for the self-isolation of individuals within hotels, and also frontline workers and also particularly vulnerable cohorts. So I don't think --- so if that's captured by your question then that would be the initial point of my awareness, to my recollection, would have been 20 March. I have no awareness that predates that.

40

Q. On and from 20 March you had an awareness that some work was being done and that some funding had been allocated to procure hotel rooms for purposes related to COVID-19, whether people who were required to self-isolate and couldn't at home, or people who were health workers or who were otherwise vulnerable in some way?

45

A. Correct.

Q. Is that right?

A. Yes.

5

Q. Were you aware of any work done as part of the procuring of hotel rooms for the procuring of any other potential services that might be associated with the program, whether that was security or food or nursing support, anything of that kind?

10 A. No, I don't have any immediate recollection of that.

Q. Had you yourself or your Department been asked prior to 27 March to prepare any briefs or to express any views yourselves about the desirability or otherwise of hotels being used for people who were going to be self-isolating?

15

A. Ahead of the 27th?

Q. Ahead of the 27th.

20 A. I'm not aware of any particular advice that was sought by --- was sought of the Department for that purpose. My recollection of the ERC meeting --- I can't recall whether we prepared our conventional brief, which is called colloquially a red --- whether we prepared a red for the Premier's use in considering that ERC submission which allocated --- notionally allocated the \$80 million. So I don't have a  
25 recollection.

Q. Do you recall having an awareness in relation to that procuring of hotels and their potential use in the ways that you have described, about which Department or  
30 Departments were responsible for that work?

30

A. Yes. I was familiar with the fact that the Department of Jobs, Precincts and Regions was doing all of the heavy lifting in relation to the sourcing of hotel rooms.

Q. On 27 March, when you became aware that a decision had been taken that would  
35 require the quarantining in hotels or other facilities of all international arrivals from the next night, who did you understand within the Victorian structure was going to be responsible for --- I'm going to use the word --- operationalising that decision?

35

A. The entirety of the decision?

40

Q. Yes. If it's possible to say, did you have a sense when you first became aware that this work was going to need to be done of where that work was going to sit within  
Government?

45 A. At the time --- at the time of the decision my mind immediately went to the sourcing of the hotel rooms and that --- and you will no doubt get to what I did with that, that sense. I didn't --- I hadn't turned my mind at that point to how it was

located within the emergency management architecture and the fact of it being a class 2 emergency and all of the matters that --- all of the infrastructure, if you like, that goes with its characterisation as a class 2 emergency. I was a little fixated on the 27th, during the course of the National Cabinet, on the imperative to source the accommodation.

Perhaps an imperative that was fed by the fact that I still had the recollection of the 20 March ERC meeting and the allocation of funding.

10 Q. So at paragraph 77 and following of your first statement you refer to the fact that you effectively stepped out of the National Cabinet meeting to call Mr Phemister, who is the Secretary of the Department of Jobs, Precincts and Regions?

A. That's correct.

15

Q. And your purpose in call him was?

A. Was to get on with it. It was --- we had 36 hours to accommodate at that time an unknown number of international travellers and for me the most urgent matter that would warrant me seeking the Premier's leave to add, you know, to hop out of the National Cabinet room and make a phone call, was for the purpose of sourcing the hotel rooms.

20  
25 Q. Paragraph 78 of your statement, if you want to have a look at it, you refer to what you recall saying to Mr Phemister during your conversation, a need for hotels and a need for people with deep logistical experience?

A. Yes.

30 Q. Can I just ask you to unpack what you had in mind when you commended that issue to him?

A. I think that --- probably two things. One that there's a deep logistical experience that's associated with the simple fact of sourcing thousands of hotel rooms from multiple providers; but also I expect there was an ancillary logistical responsibility of providing transport for those who were arriving to the hotels and I think for that reason I probably recommended Jeroen, who is referred to in that paragraph, for the purpose of being someone who not only has general logistical capability but also from his role as the head of PTV --- I'm not sure if he was the head at that point --- of just being someone who you could entrust with moving a bunch of folk, if required, from A to B.

45 As it transpired, that became redundant because the transport operation from the airport was able to be sourced fairly simply through the existing arrangements that were present at the airport. But Jeroen's experience was broader than just public transport.

5 Q. You said that your message to Mr Phemister was to get on with it. What were you handing over to him? He has said in his statement --- and the Board will hear from him in due course --- he understood that you were giving him the whole package, not just find the hotels but create the system. Is that what you were giving him in that call, in your mind?

10 A. Not in my mind. I think he --- and he will speak for himself, obviously --- but he took the bit between his teeth and ran with it. I think in his statement he refers to me as having provided him with a problem and it was therefore for him to fix the problem and he conceptualised that very broadly. It wasn't what I had --- to my  
15 recollection, it wasn't what I had --- as I stepped out of National Cabinet to make a call, it wasn't for the purpose of commissioning the whole Hotel Quarantine Program, recognising at that point there was in fact no Hotel Quarantine Program that had been articulated yet as a capital P Program, but my focus was very much on the hotel accommodation and perhaps transport as an ancillary service.

Q. When did you first conceptualise in your own mind that this was going to be a program that was going to have a Department lead or a formal structure?

20 A. Probably, recognising that National Cabinet would have finished at about 1 o'clock, the first time that I turned my mind to all of the elements of such a program, I think would have been on or around the time of the meeting of the Victorian Secretaries Board.

25 Q. Which was about 4 o'clock that afternoon?

30 A. About 4 o'clock that afternoon. But I might --- I apologise for interrupting the flow of the questioning but there is also an important point that I wasn't the sole point of the articulation of the outcome from National Cabinet. We would conventionally, within DPC, immediately upon National Cabinet concluding, the notetaker Deputy Secretary would make either one or a number --- one phone call to multiple participants or multiple phone calls to those who were impacted by particular decisions. So the Deputy Secretary notetaker, my understanding, I'm advised, did  
35 precisely that, and so notwithstanding the fact I had only spoken with Mr Phemister, other conversations were going on across Government at senior levels about what the various components of the program might look like.

40 But to return to your original question, which is at what point did I start to think about it in all of its glory, it probably wasn't until we were sitting around the table as a group of secretaries at the Secretaries Board meeting.

45 Q. You have explained why you called Mr Phemister. You may feel you have already answered this but in circumstances where I take it you had an awareness there was a pre-existing of a State of Emergency, a health emergency declared in Victoria, with DHHS as the control agency and this new program or future program as a response to that, why no call to Ms Peake with the same urgency that a call was made to Mr Phemister, given that she was the Secretary who would ultimately be the

one responsible, if one thinks through where this was coming from?

5 A. Yes, I guess --- I mean, it was, you know --- I could only step out of National Cabinet for a short period of time. My immediate interest was in activating an extensive external-facing logistics process as opposed to activating a process internal to Government. So that was --- the process internal to Government was the activation of the emergency management arrangements. I took --- I made the call, I was aware that the Deputy Secretary notetaker would supplement/complement my advice by getting in touch with the right people and that's what occurred.

10 Q. So between when National Cabinet ended and when the Victorian Secretaries Board meeting started --- I think that was about two and a half hours --- do you recall speaking directly with any of your other colleagues other than the conversation that you had with Mr Phemister? When I say colleagues, I mean Secretaries of other  
15 Departments?

A. No, I don't.

20 Q. Do you recall speaking with the then Chief Commissioner of Police, Mr Ashton?

A. No, I don't.

Q. Or with the Emergency Management Commissioner, Mr Crisp?

25 A. No, I don't.

30 Q. You just said in your evidence that it would have been the role of the Deputy Secretary notetaker to pass on out of National Cabinet relevant information to those who needed to know about it. Might I ask, Mr Operator, if a document could be brought up, DPC.9999.0001.0001.

35 As I understand it, Mr Eccles, this is a text message exchange between the Deputy Secretary who had been the notetaker and who had on this day the function for reporting out of National Cabinet to those who needed to know?

A. Yes.

Q. Is that right?

40 A. Yes, it is, yes.

Q. And the Andrew referred to, I take it you are aware, is Mr Crisp, the Emergency Management Commissioner?

45 A. Yes.

Q. So there's a reference there, the second blue heading there:

*Just wanted to update post national cabinet on use of ADF.*

5 A. Yes, that would be Kate advising Andrew of her ability to update him. Yes.

Q. And that's in the sense of decisions have been made at National Cabinet relevant to the use of the ADF and it was appropriate for Mr Crisp to know about those matters?

10 A. Yes. He is the responsible --- the Emergency Management Commissioner is responsible for liaison with the ADF.

15 Q. Thank you, Mr Operator. In fact, Madam Chair, this document is not yet in the materials, so I might tender it, if I may. Text exchange between Ms Houghton and Mr Crisp on 27 March 2020.

CHAIR: Exhibit 181.

20 **EXHIBIT #181 - TEXT EXCHANGE BETWEEN MS HOUGHTON AND MR CRISP ON 27 MARCH 2020, DOCUMENT DPC.9999.0001.0001**

25 MS ELLYARD: Mr Eccles, you have indicated that Ms Houghton, as the Deputy Secretary on that occasion, would have briefed not just Mr Crisp, as I understand it, but other relevant agencies and persons who needed to know what had happened at National Cabinet?

30 A. Correct.

Q. And that might have happened in some formal sense with a group gathered together or by way of individual conversations?

35 A. That's correct.

Q. And so, perhaps by reference to paragraph 81 of your statement, Mr Eccles, while that debriefing process was taking place, what were you doing, in the sense of what did your attention turn to once you had come out of National Cabinet?

40 A. I think I probably --- indeed, thank you for referring me to paragraph 81, because it reminded me that the schedule of upcoming National Cabinet meetings was fairly aggressive, with one scheduled for Sunday, then the Monday and then the following Friday, and that was going to be introducing the full range of restrictions that were having, you know, profound impact on the economy and society. So I expect  
45 I would have started to turn my attention to the series of upcoming meetings.

Q. We're aware that press conferences were given first by the Prime Minister and



then by the Premier in the period of time between the end of National Cabinet and the start of the Victorian Secretaries Board. Did you yourself play any role in briefing or assisting the Premier with the remarks that he made during his press conference?

5

A. No, I did not.

Q. Do you know whether he was assisted in the preparation of those remarks by anyone from your Department or from information furnished to him by your Department?

10

A. I have a recollection that there may have been some factual information sought from the Premier's Private Office from my Department. I think it's even a recollection from some of the material that is in my brief of information, though I can't be 100 per cent sure.

15

Q. Did you yourself provide any briefings to any other Ministers or would anyone in your Department have briefed directly any other Ministers?

A. That is not our practice, so I don't believe so.

20

Q. Thank you. May I turn to the question of the Victorian Secretaries Board. You have referred to that already in your evidence. At paragraph 54 and following in your witness statement you have answered some questions about it.

25

Perhaps, firstly, by way of introduction, we know that the Board met at 4 o'clock that afternoon. What is it and what is its function?

A. It's a --- it's a forum of all Secretaries plus the Police Commissioner and the Victorian public sector Commissioner. It has --- essentially it's about the stewardship of the Public Service. We spend a lot of time on, if you like, Enterprise Victoria, what it is to be a contemporary public service. But it also is the forum whereby we debrief, prior to the establishment of the Missions Coordination Committee, we would occasionally debrief on matters that came out of the National Cabinet, particularly meetings of National Cabinet that were before the retirement of the VSB in place of the MCC. That is, its role is largely about the stewardship of the Public Service but it has an incidental role, so when the occasion calls for the assembly of all those people for things like a debrief on National Cabinet.

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Q. It is not itself a decision-making body?

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A. It is --- it can be a decision-making body as it relates to the stewardship of the Public Service. If we were all, for example, going to make an investment in the Victorian Leadership Academy, a monetary investment, that would be a decision of the Secretaries Board. But its decisions are limited to that stewardship function and not matters that are either operational or policy orientated.

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Q. To use the Hotel Quarantine Program as an example, would decisions about where accountability or responsibility should sit as between Departments for that program be something that would be decided upon or resolved at the Victorian Secretaries Board?

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A. No, not decided on and resolved.

Q. But potentially discussed, in the event there were different views about where it should sit or how it should operate?

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A. Whether it gets to the level of negotiation about where it would reside and how it would operate, it operates more at the general level of the dissemination of information, rather than the determination of functional roles.

15 Q. Can I ask you then to look --- you have produced, and you refer to them at paragraph 59 of your statement, to both the formal minutes and some notes that have been taken. Firstly, Mr Operator, could we call up the formal minutes, which is document DPC.0016.0001.0095. As I understand from your statement, Mr Eccles, you don't have an independent recollection of this meeting but you have been  
20 assisted in a general sense by the minutes and by the notes that we will come to shortly to refresh your memory about what was discussed?

A. The minutes are less helpful than the notes.

25 Q. So the minutes appear to reflect a general update, firstly from Ms Houghton and then from Mr Phemister, the Secretary from the Department of Jobs, Precincts and Regions and then the Secretary from the Department of Transport?

A. That's correct.

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Q. And that, I think, is the substance of the discussion at the Board meeting relevant to the Hotel Quarantine Program, that's minuted?

A. That's minuted, yes.

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Q. We can take that off the screen, please, Mr Operator, and go to the notes, which are DPC.0013.0001.0001. As I understand it, Mr Eccles, these are notes that were taken not by you but for your benefit by someone who was assisting you?

40 A. They are not actually for my benefit in the sense that they weren't routinely supplied to me after the meetings. Notwithstanding the fact they say "Secretary's eyes only", this is the first time I can recall --- and it is important because of its prominence --- recall seeing such notes. And that's --- it was peculiar to the particular senior adviser at the time, who had the facility to take rapid-fire notes. I --  
45 - this was the first one that I can recall seeing but I subsequently saw one for the VSB meeting of 1 April. So it is just a slight clarification of your point. They weren't --- notwithstanding the fact they say "Secretary's eyes only", they weren't

prepared and routinely provided to me.

Q. But they were prepared on this occasion and so they have been made available to you, given the questions that you have been asked by the Board in this Inquiry?

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A. Indeed.

Q. So perhaps by reference to these notes, while they stay on the screen, Mr Eccles, I want to ask you: you said earlier in your evidence that you first turned your mind to the question of the fact that this was going to be a Program, capital P, at around about this time, perhaps during this meeting. May I ask you, was it at that meeting that you formed your own view or had your own sense that this was going to be a program run through the Emergency Management Framework and therefore by DHHS or were you not yet yourself of that understanding during this meeting?

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A. I think through the course of this meeting it was brought to my attention that it was --- that it was appropriate for there to be conceptualised as a matter where the State Control Centre would play the dominant role and what flows from that is all of the emergency management architecture as it relates to the health pandemic. So to answer your question, yes, during the course of this meeting.

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Q. And so if we look through on the first page, there's a reference to SP, that is Mr Phemister?

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A. Yes.

Q. He's reporting on the work that had already been done and the work that was in train as at that time?

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A. Yes.

Q. Do you recall becoming aware that he thought you had given him the whole job?

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A. I have no --- I have no recollection of that and I'm not sure that this --- that particular reference triggers that recollection.

Q. Because as I understand, Mr Phemister's evidence will be that at this meeting and indeed for the balance of the day after this meeting he remained of the understanding that it was his Department that had the lead role in the delivery of the program and so it is in light of what I understand his evidence will be that I'm asking if you can recall when perhaps your and his differing understandings came to light?

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A. Again, we're --- I do think it is important to reiterate just for the sake of completeness that I don't have an independent recollection of that, and therefore what this is doing is assisting with speculation. I think it is helpful because I imagine it's an accurate record and others will attest to that. But even allowing for that, I think there's a place further on in the record where Mr Phemister identifies that he could in

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fact be running these projects out of State control.

5 Q. Yes. There are two separate issues there. There's who's running it and whether it's being run with the assistance that the State Control Centre can provide. Is that fair?

A. That's fair.

10 Q. And so if we go over to the next page, Mr Operator, and then the next one after that, to come to the point that Mr Eccles recalls, and I think even one more and another one, there's a reference there, about halfway down, to Mr Phemister saying:

*Get it's the right call but we need to be practical about it.*

15 That is in response to a comment by Ms Falkingham about the State Control Centre.

A. Yes.

20 Q. Does this assist you in the general sense of identifying a point at which it appears the potential role of the State Control Centre was discussed?

A. It's the clear implication.

25 Q. Because one comment that might be made about these notes, assuming of course that the notes accurately reflect the tenor of the overall conversation, is that it seems to be very much still Mr Phemister during this meeting who understands himself or is speaking about being in charge of the developing program. Would you accept that as a fair comment on what the notes might suggest?

30 A. I think that's a reasonable conclusion.

35 Q. And there isn't, for example, not to suggest that Ms Peake is absent from the discussion, but she isn't taking the lead in the discussion in the way that one might have anticipated if at that point there had been an understanding on her part that this was her Department's program that they were going to be running?

40 A. Again, if I'm assisting with speculation, the fact that Ms Peake doesn't feature as prominently in the running as others, then I understand the conclusion you have reached.

45 Q. Thank you. Staying with these notes, but going back to the first page of the document, Mr Operator, may I turn to the question, Mr Eccles, of a couple of specific topic, which were operational issues in the Hotel Quarantine Program, which have had a lot of focus put on them outside the Board and inside. The first of those is the question of security. As I understand it, you are aware from looking at these notes -- - although you don't recall it outside of the notes --- that the question of the potential role for security and police and matters of that kind was discussed at the meeting?

A. Yes.

5 Q. And if we go down to the second page, please, Mr Operator, and then the third one, there is a heading there, "Questions?". Do you see that?

A. I do.

10 Q. And a reference to some remarks that are attributed to Mr Ashton. Are you able to add anything to what that note says, Mr Eccles, about what the understanding was that you had at that time about what the enforcement arrangements were going to be for the Hotel Quarantine Program?

A. I can add nothing to the content of the brief.

15

Q. Are you able to say when you yourself on this day, if at all, turned your mind to the specific question of how the Hotel Quarantine Program was going to be enforced?

20 A. I would say at the Secretaries Board.

Q. So the question of how people would be kept in their rooms wasn't something that you yourself had turned your mind to prior to this time?

25 A. No.

Q. Are you aware of whether anyone in your Department had been formulating any plan or forming any views about what the enforcement mechanisms might be?

30 A. I'm not aware of any such plan or the consolidation of any such view.

Q. Can we go to --- I'll draw your attention down to the bottom of this page, before we go over to the next page, Mr Eccles. There's a reference there to the airport. There's a reference to Mr Phemister saying:

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*VicPol's role will be spot checks.*

Do you see that? Then if we go over to the next page, there is a remark attributed to you and then a remark attributed to Mr Ashton about:

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*Challenge will be static presence over a long period of time --- will end up with some private contractor or else the ADF ideally.*

And then a remark attributed to you:

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*I assume a private contractor.*

Does that assist your memory at all, Mr Eccles, as to when and how you had turned your mind to what enforcement mechanisms would look like?

5 A. It doesn't assist me to come up with a contemporary understanding of what I was -- of what was going on at the time. I'm sorry. I take it at face value, but it doesn't take it beyond the realm of speculation. But I'm happy to engage on the basis of taking it at face value. But it did not --- it has not activated a separate and distinct recollection.

10 Q. This suggests that as at --- if this note is accurate --- as at the time of this meeting you yourself had an assumption about the role of, I'm going to assume you meant private security contractors, that there would be a role for private security contractors in the enforcement of the program? Would that be a fair characterisation?

15 MR ATTIWILL QC: I do object to the question, Madam Chair, because it is not at the time of the meeting, it is at the time of this conversation when Graham Ashton raises this matter and it is at the end of that point that he says, "I assume a private contractor." It's a mischaracterisation, with respect to Counsel Assisting, to say that it's at the time of the meeting. It should be specific, if the question is to be asked.

20 MS ELLYARD: It is the VSB meeting which these notes reflect discussions at, if that's not clear, at the time the remark is made.

25 MR ATTIWILL QC: Yes. That should just be made clear, that's all, to Mr Eccles.

MS ELLYARD: Mr Eccles, I'm asking you whether it would be fair to say that this note would suggest that at this time, sometime after 4.00 pm on the 27th, you had in your own mind an assumption that there was going to be a role for private security in the enforcement arrangements at the Hotel Quarantine Program?

30 A. It's --- that's not necessarily an inevitable conclusion because on one interpretation, if you track through the document, you've got an earlier reference to Graham Ashton saying that the ADF presence will be back of house; you then have a statement that the VicPol, their static presence over a long period of time is  
35 problematic, which then leaves you with the question of private security. So it could be as high or as low as me making a deduction based on --- based on the narrative through the VSB to that point, rather than me drawing a conclusion that it will be --- there will be inevitably a role for private security.

40 Q. I think --- thank you very much, Mr Operator, that can come from the screen.

Mr Eccles, I think you have had drawn to your attention and you have commented in your second statement on a text message that was sent to you by Mr Ashton shortly after 1 o'clock on 27 March.

45 A. Yes.

Q. As I understand it, you don't recall receiving that text and you --- I'll ask that it be brought up for everyone's convenience, VPOL.0005.0001.0140. Thank you, Mr Operator.

5 That top text is a text that you have had drawn to your attention, Mr Eccles, and you have responded to it in your second statement?

A. Yes, I have.

10 Q. And as I understand it, based on the timing of this text at 1.16, your best recollection is that National Cabinet would have been over by about 1.00?

A. Thereabouts, yes.

15 Q. And it may well have been that the process of debriefing that we talked about earlier had begun, so that information was being given to relevant people, not necessarily to Mr Ashton directly, but the process of briefing out what had happened at National Cabinet may have been underway?

20 A. It may have been. I [indistinct]. Sorry. Yes, it may have been.

Q. But as far as you are aware, you wouldn't be aware of any reason why at this early stage Mr Ashton, for example, might have received a formal briefing from the Deputy Secretary about what had been discussed at National Cabinet?

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A. No, I don't.

Q. The text suggests that Mr Ashton had word from Canberra for a plan whereby there were going to be overseas arrivals conveyed to a hotel and guarded by police. So taking that in two parts, perhaps, I take it that Mr Ashton --- as at this time you were certainly aware that a plan had been decided upon by National Cabinet that people would be taken to hotels and quarantined?

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A. Yes, I was aware of that.

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Q. Were you yourself aware of any plan in place at that time that police would be the guards?

A. No.

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Q. Thank you, that can come from the screen.

You have been made aware, I think, Mr Eccles, of subsequent texts that Mr Ashton has produced which he sent to someone other than you which suggest that shortly after he sent you the text he came into possession of information that private security was going to be used. Are you aware that those texts have been produced to the Board by Mr Ashton?

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A. Yes.

5 Q. And the texts suggest, on their face, Mr Ashton coming into the possession of information, firstly that private security and the ADF would be used; and, secondly, that he had an understanding that that was a deal set up by the Department of Premier and Cabinet. So you may feel I've asked you these questions already but are you aware of any involvement by the DPC as at about 1.30 in setting up what were going to be the details of the enforcement arrangements in Victoria?

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A. I'm not aware.

Q. Is it possible that it could have been happening without you being aware?

15 A. It's possible. But I would have thought extremely unlikely.

Q. Likely that if it had been happening at the time without you being aware, you would since have become aware, I take it, if arrangements of that --- if work of that kind had been being done?

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A. Both that and the simple fact that if National Cabinet was finishing at 1 o'clock and there was no --- the relevant matter being considered by National Cabinet originated within National Cabinet itself and not in material going into National Cabinet, then to have developed a plan between the end of National Cabinet and this time seems --- I'm unaware of how a plan could be developed within that timeframe.

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Q. Thank you. The Board is aware that in the press conference that was given by the Premier a little while later, I think about 3 o'clock, he referred to, in the very general sense, private security being involved in monitoring compliance with quarantine arrangements. Were you aware at the time that he was making those remarks?

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A. I wasn't.

Q. Are you now aware that he did mention private security in the press statement that he made on this day?

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A. Yes, I am.

Q. Do you --- did you yourself provide him with any information about the potential role for private security in the Hotel Quarantine Program, ahead of him making those remarks?

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A. Not to my recollection.

Q. Are you aware of any document that might have been provided --- you mentioned earlier that factual information is sometimes provided by your Department to the Premier for the purposes of public remarks. Are you aware of any document in

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existence at that time within DPC that might have been furnished to the Premier that might have referred to a potential role for private security?

A. No, I'm not aware of any document.

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Q. Do you yourself know, Mr Eccles, how it was that a decision was reached that private security would be the front tier of enforcement in the Hotel Quarantine Program?

10 A. No, I'm not aware.

Q. And you are probably aware in a more general sense of evidence that's been given before the Board from a number of other people who were also not aware of where the decision was made and when and by who. There's a perception that it was made at the State Control Centre at 4.30 in the afternoon; there are other perceptions that it had been taken before 2 o'clock. And it will ultimately be a matter for the Board to make factual findings about that. But in your capacity as head of the Public Service can I put this proposition to you: the decision to engage private security ended up employing thousands of people and costing tens of millions of dollars. Shouldn't we be able to say who made it, as a matter of proper governance?

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A. It's a --- it's a really interesting and important question because --- and it --- it teases at the issue of individual and collective decision-making. There's a, I would imagine, an argument that there are a number of core contributors in the emergency management firmament for the issue of securing hotels, that being the Emergency Management Commissioner as the coordinator, DHHS as the controller and Victoria Police as the security experts. So no one of them is --- is the repository of all information that goes to bear to the question.

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30 So part of the reason why we have things like the State Control Centre and we have governance that is collective governance is that we bring to bear relevant perspectives in making important decisions.

So I --- I have a strong view that the concept of collective governance, where you are bringing together the specialist skills of different actors to deal with complex problems, is an important part of how we operate. So you've asked for my response as the head of the Public Service. I can see some legitimacy, legitimacy in the idea of there being collective governance around a matter such as this.

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40 Q. By collective governance, you mean collective decision-making?

A. Yes.

Q. But surely in the case of collective decision-making, those involved in the decision know that they were involved in it and are able to say, "Yes, that was me, I was involved in that"?

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5 A. By definition. And if that wasn't the case then you would need to have, I think, an important --- in many respects the idea of collective decision-making is joint and several accountability for the decisions that are taken by the collective. So if there's been a failure of an acknowledgment jointly and severally around the decision of the collective then I think that's a fault or a flaw in the design. I'm now --- I'm not speaking specifically about --

Q. I understand.

10 A. This is --- you've encouraged me to go into a slightly academic proposition. So this shouldn't be seen as being referenced back to decisions that were or were not taken in relation to the securing of private security.

15 Q. But picking up a couple of the points you have made there, Mr Eccles, in the context of the decision about private security you mentioned that one aspect of the collective governance is then joint and several accountability. If no one knows who made the decision, there's obviously going to be a risk that no one will understand that they have the responsibility for revisiting the decision if time and experience shows that it wasn't the correct one.

20 A. Yes, that's a very fair point.

25 Q. May I turn you then to the separate --- a second but related issue in relation to the role that was available to be played or that you understood was available to be played or was played by the ADF. You have dealt with this in part in your second statement. But perhaps again going back to first principles, prior to 27 March when the National Cabinet made its decision were you party to or aware of any discussions about the ADF assisting Victoria in what I'll call its COVID-19 response?

30 A. Not to my recollection.

Q. Do you have any recollection of knowing the extent to which the ADF were being used or available to be used in any quarantine program prior to 27 March?

35 A. No, I don't.

40 Q. The Board is aware that then remarks were made, firstly by the Prime Minister and then by the Premier, that were related to the ways in which the ADF might be made available to assist States and in particular a comment made by the Premier in his press conference that the ADF were going to be performing various functions, including potentially being out and about. Perhaps a similar question that I asked you in relation to his reference to private security: did you brief him or otherwise assist him in the preparation of that portion of his remarks?

45 A. Not to my recollection.

Q. Again, are you aware whether there was any documentation in existence at that

time within your Department that might have been furnished to him that spelt out in any way what the role of the ADF was going to be in Victoria?

A. Not that I'm aware.

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Q. Can I ask you then some questions about how you became aware about what role the ADF was going to play, specifically in the Hotel Quarantine Program as distinct from other mechanisms? Do you recall a time when you became aware what --- that a decision had been made by an appropriate person about the role the ADF would play in hotel quarantine arrangements?

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A. I don't have a recollection of the point at which I became aware of the role of the ADF.

Q. The recording of the State Control Centre meeting on 27 March records one of the DPC representatives seeking clarification on the question of why the ADF --- what role the ADF was going to play. I think you have had that drawn to your attention. Are you able to say why that would have been relevant information that your Department was seeking a knowledge of the particular role that ADF were going to play?

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A. I can't place myself in the --- in the thinking process of the individual at the time.

Q. Would this have been, for example, a situation where you were obtaining information for the purposes of furnishing to the Premier about the way in which the arrangements were going to be put in place?

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A. That's a --- it's a possibility because that is a role that we, as a Department, play, where requested by the Premier's Private Office, but it's no more than speculation based on the pattern of our engagement with the Premier's Private Office. I've got no reason to conclude one way or the other around this.

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Q. Do you have any recollection of being aware on 27 March of any particular view or decision within Government generally about the appropriateness or otherwise of using the ADF --

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A. No.

Q. Can I turn then to the specifics of a couple of levels of interaction that you yourself had on the question of the ADF. At paragraphs 8 to 19 of your second statement you describe some matters relevant to this. I'll ask that a document be brought up on the screen, I'll ask you about paragraph 19 first, that being the first in chronological time. Could I have DPC.0014.0001.0004. As I understand from your statement, Mr Eccles, the context of this email exchange between you and the Secretary of the Department of Prime Minister and Cabinet was contact made by you in early April to see if the Commonwealth could provide financial assistance for security?

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A. That's correct.

5 Q. Can you recall what it was that prompted you to make the enquiry, to form the view that it was worth making?

10 A. I can't other than --- not specifically, other than it was just over a week since the Operation Soteria was up and running and I suspect that I was just doing a bit of due diligence, to see whether there was any financial assistance available to support our security operations. I can't put it any more specifically than that. I don't have a specific recollection about what prompted the query. I can surmise, that's all.

15 Q. Presumably you had available to you at the time some information that suggested to you that it would be desirable to find out if there was a source of financial assistance available from the Commonwealth?

20 A. I suspect it would have been by reference to what had been made available to New South Wales and the very --- the fact that Mr Gaetjens appears on the face of this to have come back to me after a telephone conversation, which may or may not have canvassed a range of matters, he's gone to find the information and come back to me with that email, rather than conveying it to me in the telephone call.

25 Q. So is the context an enquiry made by you about some understanding that you already had or that you were seeking clarification about, about another State potentially getting existence of a particular kind and you were enquiring about its availability for Victoria?

A. I don't have a recollection but it's a fair interpretation of the first ....

30 Q. So, as I understand it, you think that following a conversation, Mr Gaetjens then got back to you on this particular issue --- there may have been others, but this particular issue he responded with the email that we see at the bottom of the page:

35 *On the question of assistance with security, I am advised the only deal with NSW was in-kind provision of ADF personnel.*

Pausing there, can you recall whether you already knew that, that there was in-kind ADF personnel working in the New South Wales model?

40 A. I don't recall.

Q. Mr Gaetjens goes on to say:

45 *I am sure the Commonwealth would be willing to assist Victoria in a similar way if you wanted to reconsider your operating model.*

Are you able to recall what you understood Mr Gaetjens to mean by "operating

model"?

A. I don't have any recollection of what Mr Gaetjens was referring to by the Victorian operating model.

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Q. One inference would be, since he seems to be drawing a distinction with New South Wales, where there's in-kind provision of ADF personnel, is that the operating model being referred to is an operating model of security that doesn't include the ADF. Would that be a fair inference?

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A. That's certainly an inference that could be drawn.

Q. And so the --- the inference to be drawn from the email as a whole is where we don't have dollars to offset security costs but if you wanted to have ADF people in the hotels, we could consider that? Would that be fair?

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A. That's reasonable.

Q. And so, having received that email, you seem to have responded the same day quite briefly. Do you recall what you did with the information contained in the email from Mr Gaetjens?

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A. No, I don't. My records don't reveal that I forwarded the email. So --- and I don't recall if anyone passed on that information.

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Q. I may be revealing my ignorance but would I be right in understanding that if the ADF personnel were to be offered to Victoria, it would have been at no cost to Victoria, the personnel would have been provided from the ADF, paid for by the ADF; is that your understanding?

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A. I'm assuming that's the general operating model, where you are not paying for the ADF support. But others are better placed to confirm that.

Q. And so presumably the change the operating model would have required would have been the removal of some private security guards for whom Victoria was paying and their substitution with the ADF?

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A. Not necessarily. I don't know that it necessarily --- it's necessarily a replacement of --- it could just be supplementation without it being, you know, a one for one. It could equally just be a net addition without it being at the expense of private security. I mean, we're --- it's not an inevitable consequence that one is a replacement for the other.

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Q. I accept that we are speaking now of matters that are at a degree of operational detail that you didn't yourself have, given your other obligations. But given that you didn't have that degree of operational detail, are you able to say why you don't seem to have thought it appropriate to have drawn to the attention of those who were

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running the program that there was this to potential source of support available from the ADF?

5 A. I'm not saying that I didn't. I'm saying that I'm not aware that I did or I didn't.

Q. Okay. So you don't have a recollection of it and there's no email trail that would assist in telling you that you did?

10 A. That's correct.

Q. So I know I'm inviting you to speculate, Mr Eccles, but are you able to say whether you think it's more or less likely that you did tell someone about this or pass this information on?

15 A. No.

Q. Or are you just not able to say?

20 A. No, it would be unhelpful speculation.

Q. Because I want to suggest to you that it would --- perhaps I'll ask again a question that I asked before, by reference to this different time period. As at the time of this email exchange with Mr Gaetjens --- which can come off the screen, thank you, Mr Operator --- on 8 April were you aware whether there had been a view formed that Victoria didn't need or didn't want ADF personnel working in the Hotel Quarantine Program?

30 A. It's hard to know where to locate your memory. I'm --- from all of the proceedings now, I'm fully aware of happened on the 27th and 28th but I can't recall at what point I accumulated that understanding.

Q. You can't recall whether you knew as at the 8th that there had been a view formed that the ADF wasn't required?

35 A. No. Just over a week after Operation Soteria had started, there had been four National Cabinet meetings, probably more. There was one meeting on the 7th and one on the 9th. So it was the 27th, the 29th, the 30th, the 3rd, the 7th and the 9th were all National Cabinet meetings, and I expect that I would have been focused on those.

40 Q. I understand that. But in circumstances where --- on the face of the email it appears that there was an offer of assistance, specific assistance offered from --- foreshadowed to be available, if the Victorian model permitted it. It would be odd if you hadn't passed that on. Would you agree with that?

45 A. I don't want to be in a position of having to describe whatever I did as being odd or not at the moment. I simply don't know.

Q. I understand that. I'll see if I can find another word. If the Commonwealth is offering Victoria the assistance of ADF personnel in circumstances where Victoria is incurring substantial costs in private security, ordinarily one would expect, may I suggest to you, that the potential availability of that offer would be passed on to those responsible for operational decisions about the program?

A. That's a reasonable conclusion.

Q. But as I understand it, you are not able to recall whether or not that occurred in this case?

A. That's correct.

MS ELLYARD: Madam Chair, I don't have a lot more. But we have been going for an hour and a half, I wonder whether it might be convenient for all concerned for us to take a mid-morning break. I am close to the end but not close enough to push us all through.

CHAIR: Definitely. I understand there are some applications for --

MS ELLYARD: There are.

CHAIR: --- for cross-examination. So we will take a break now, Mr Eccles. We will take a 15-minute break or perhaps to make it neater, given the time, we will return at 11.45.

MS ELLYARD: If the Board pleases.

A. Thank you, Madam Chair.

**ADJOURNED** [11.26 AM]

**RESUMED** [11.46 AM]

CHAIR: Do we know if Mr Eccles is there?

MS ELLYARD: I think he is, Madam Chair, I think he just has his camera and his sound turned off.

CHAIR: I can see him now. Thanks, Mr Eccles, are you ready to continue?

A. Thank you.

MS ELLYARD: Mr Eccles, before the break, a short time ago, I was asking you about reasons why it might have been that officers from your Department were concerned at the first meeting of the State Control Centre to understand the role of the ADF. I should have taken to you a document that might have assisted you in answering the question. Can I ask that the document be brought up, it's 5 DPC.0001.0001.6686. Then when we get to it, Mr Operator, if you can scroll down to the bottom page, the second page of it.

10 Mr Eccles, can I draw your attention to this email, as being an email, as I understand it, sent from the Minister's Office, the Premier's Office, to your Department regarding information that the Premier required?

A. Yes.

15 Q. And this email is not to you but I take it you recognise the names of the persons to whom it has been directed to within your Department?

A. I do.

20 Q. One of those questions was:

*What role will the ADF play?*

25 A. Yes.

Q. Having regard to the time at which this email is sent, shortly before 4 o'clock, it appears quite likely that the reasons why the Department of Premier and Cabinet representatives at the State Control Centre wanted to know about the role of the ADF was because there had been this request for information from the Premier's Office; is 30 that a fair conclusion to draw?

A. Yes, it looks like he will be doing a press conference the following morning.

35 Q. Sticking with your second statement, I want to go to your involvement or your awareness of a subsequent request for the potential involvement of the ADF in late June. You deal with this at paragraph 8 and following of your second statement in which you refer to the fact that certain emails have been brought to your attention and you are able to give some evidence in the light of them.

40 Firstly, perhaps before I take you to the first of the emails, what was your understanding then, and perhaps it's still the same now, of the process by which formal requests for assistance from the ADF could be made?

45 A. They are made via individual requests for assistance that pass from our Emergency Management Commissioner to Emergency Management Australia.

Q. So can any department make a request, provided that they make it through the



Emergency Management Commissioner?

5 A. Well, it's --- it's the Emergency Management Commissioner's prerogative and so I would imagine that he would need to be satisfied before he would --- before he would pass on any such --- I'll abbreviate it --- any such RFA. He's not passive in the process.

10 Q. Did you yourself have any formal or informal role --- thinking particularly about the Hotel Quarantine Program and various requests that might have been made, was there a role that you played in the facilitation or organising of requests?

15 A. I think there came a point where, because of some confusion and issues with communication, where --- and I don't know how temporary the arrangement came --- where there was a requirement for Secretary sign-off of some RFAs. It's a recollection that I have that --- and it may have just been a point in time.

20 Q. Perhaps if I can take you to the first document that you produce on this topic, Mr Operator, it is DPC.0018.0001.0002. It is an email from Ms Peake to you, Mr Eccles, dated 24 June 2020.

A. Yes.

25 Q. As you have said at paragraph 9 of your supplementary statement, Mr Eccles, the substance of this email is that there were various forms of assistance that would be hugely appreciated if they could be obtained from the Australian Defence Force. Yes?

A. Yes.

30 Q. And it's under a number of headings and the first one is for 10-12 people to be planners and logisticians with some intelligence officers, the second one is about planning and medical staff in relation to drive-through testing --- so unrelated to hotel quarantine. But if we go down to the bottom of that page, there is a reference to:

35

*Similar to support provided in NSW, ADF security support for passengers entering and exiting hotel quarantine is sought.*

40 If we go over to the second page, there is a reference to the number of people, between 50 and 100, with Ms Skilbeck listed. The Board has heard evidence already about that meeting, including from Mr Crisp, who ultimately made the formal request in accordance with the arrangements that you have referred to. Are you able to say why Ms Peake was telling you about this at this time?

45 A. I think it goes back to the fact that --- and the reason I got involved and therefore commissioned Ms Peake, was because there had been a discussion between the Premier and the Prime Minister some time on the night of 23 June and when the

Prime Minister and the Premier get together to discuss particular matters, that activates, not always, but can activate me, and my counterpart, so what we both know what's going on between our respective principals. So I would have asked Ms Peake for her views on what might be a --- what might be an appropriate level and nature of ADF support, the categories of requested support, which I --- and you'll probably come to this.

5  
10 Q. You then --- thank you very much, Mr Eccles, and thank you very much, Mr Operator, that can come from the screen.

As I understand your evidence, Mr Eccles, you became aware that there had been a conversation between the Premier and the Prime Minister, you asked Ms Peake to furnish you, and she did, with details of the kinds of assistance that might be required. And you then, in the next document that will come up, forwarded that by way of an email to Mr Gaetjens, your counterpart in the Office of Prime Minister and Cabinet. That is document DPC.0014.0001.0006.

15  
A. Yes.

20 Q. Perhaps to expand on the evidence you have already given on this point, Mr Eccles, you have now --- you have obtained from Ms Peake the details of what she considers might be necessary, you are aware that there's a conversation that has taken place between the Premier and the Prime Minister, you are also aware that there's a formal process that the Emergency Management Commissioner has to engage in, so what's the purpose of this correspondence directly between you and Mr Gaetjens?

25  
30 A. A heads-up, colloquially put, putting the Commonwealth on notice about the nature of support that might find its way into a formal request for assistance.

Q. Thank you, Mr Operator, that can come from the screen.

I want to then bring up a different document, which appears to have come from Ms Peake --- sorry, from Ms Falkingham to you to the same day, DPC.0018.0001.0004. This is an email sent, as I understand it --- I think it is on the 24th but perhaps it's on the 25th, depending on how one reads the date, but an email from Ms Falkingham, the Secretary to the Department of Justice and Community Safety.

35  
40 A. Yes.

Q. Giving further details of the nature of the requests that were being made that we have just looked at in the earlier email?

45 A. Yes.

Q. Looking at the date, are you able to say why it was that this was a matter

involving Ms Falkingham as well as DHHS?

5 A. I expect it was --- it's the beginning of a process of a refinement of the requests between DJCS and DHHS, with the former eventually taking responsibility for the function towards the end of that --- by the end of that week, I think.

10 Q. Mr Crisp has given evidence that he did formally make the request for personnel to work in the security --- in the Hotel Security Program, but that he then rescinded it on being made aware that there was a proposal in place that there might be the use of PSOs or police instead. Is that a discussion at about this time you were aware was taking place between those with responsibility for the program?

A. I think it's likely.

15 Q. Thank you very much, that can come from the screen.

20 That summary from Ms Falkingham appears to have been emailed on by you to the Office of the Premier. I can take you to that document if you want, but if you will take it from me that you did forward it on, can I ask you why that was a document --- I'm sure you don't forward on every email you receive, why was that an email appropriate in your view to send on to the Premier's Office?

25 A. I think because we were in --- we were in this transition period and there was a degree of fluidity around what was being requested. And to go back to the source conversation between the Premier and the Prime Minister, the Premier's Chief of Staff will always have as much interest in discussions between the Premier and the Prime Minister as I do, so I would imagine it's for the purpose of keeping the Premier's Chief of Staff in the same chain of correspondence, because eventually it was sourced back to communication between the Premier and the Prime Minister.

30 Q. May I ask Mr Operator for the document number DPC.0018.0001.0006.

35 This is an email now from Ms Peake to you, Mr Eccles, on Thursday, the 25th. Are you able to recall what prompted --- whether you had sought this further information from Ms Peake, Mr Eccles?

A. No, I'm sorry, I don't.

40 Q. As I read this email, this relates to the matters that you have just spoken about in your evidence, a review that was occurring or a refining, I think was your word, of arrangements in place within the Hotel Quarantine Program? Is that right?

A. Yes.

45 Q. Ultimately, as we understand it, the request for this form of assistance was rescinded?

A. Yes.

Q. What's your understanding of why the view was taken that the 850 ADF officers were no longer required?

5

A. The 850 was an aggregate number that wasn't broken down as forensically as other communications have revealed between operational coordination and planning support, medical and coordination staff to support drive-through testing. It was a bulked up number. I can't recall it being broken down. Whereas the earlier  
10 correspondence was quite precise, albeit with ranges, as to the number of personnel required for particular purposes. So I would imagine more precise information was the information that was more useful to be provided to the Commonwealth and the ADF.

15 Q. Mr Crisp has given evidence that the 850 was an increase on the 50 to 100 in Ms Peake's initial email to you that and what the whole of the 850 represented the amount of staff required to replace private security. I take it that's not a detail that was made known to you at the time?

20 A. Not to my recollection.

Q. And so perhaps recognising that that's not a matter that was in your knowledge at the time, perhaps are you able to say why the view was taken that instead of using  
25 ADF people in the security role, a different decision would be taken to --- and the ADF request would be rescinded?

A. I suspect it would be done on the basis of the qualities of the alternative workforce and their appropriateness for assisting in hotel quarantine. And then --- and in  
30 particular the skills and attributes of Corrections Victoria staff.

Q. Thank you, Mr Operator, that can come from the screen.

I am going to take you --- perhaps just by point of reference, I'll read from a document, Mr Eccles, and bring up the substance. I'll ask that the operator bring up  
35 DPC.0020.0001.0032. The document coming up appears to have been received by you under cover of an email dated 26 June from Ms Falkingham to you and Ms Peake. The email says in substance:

40 *As discussed last night this is the alternative model. Given capacity issues with using VicPol we are using primarily Corrections Victoria.*

*Minister Hutchins is comfortable with this arrangement subject to conversations with the CPSU.*

45 That is to give context as to how it appears that you got this document. As I understand it, this document reflected the thinking of the Government as at 27 June about the way in which a refining or a reset of hotel quarantine arrangements would

take place?

A. It would appear so.

5 Q. Was that a document --- other than receiving it in the email that I have just taken you to, was that a document in which you yourself played any role in its generation?

A. Not to my recollection.

10 Q. Why would it have been that you were being provided with this document? It seems to have gone to Ms Peake and to you and to the Premier's Chief of Staff, from Ms Falkingham.

15 A. I suspect it's because it's all happening within --- within that week, we were --- we were moving very hard with an alternative, as it says, an alternative model. And I would imagine that there was an appetite to have this closed out as quickly as possible.

20 Q. Thank you. That can come from the screen, Mr Operator.

May I take you then to what I understand to be the submissions that were put to the CCC on this issue, Mr Eccles. It is a document that you have produced, it's DPC.0012.0001.0463. This document itself isn't dated but the other documents that have been produced, as I understand it, date this document to a proposed meeting of the CCC on 27 June. I will stand to be corrected, Madam Chair, but I think that's right.

30 Perhaps if you could just assist us, Mr Eccles, in terms of how we understand documents of this kind. This is a document that you have produced to the Board. Is it a document from your Department?

35 A. No, it's not. It was --- we sought to produce, to describe the engagement of the CCC with the Hotel Quarantine Program, and there are many submissions that are relevant for that purpose, the overwhelming majority of which were sourced from other Departments and other Ministers. So in this case it's a --- the two relevant portfolios are Justice and Community Safety and Health and Human Services, so it was generated as a joint product.

40 Q. Thank you very much. If I can ask the operator to scroll through the document that is page 7 of 10 within this document, 0469.

No doubt you are familiar or in the past have been taken to the whole document, Mr Eccles, but at paragraphs 30 and following there is some discussion there about the workforce, the alternative workforce that's going to be used.

45 A. Yes.

Q. And the extent to which that workforce is going to be, and this is my word, scaled up over time.

A. Yes.

5

Q. And it appears from paragraph 30 that the authors of the document didn't consider that they would be in a position to have all available staff on hand at once.

A. Yes.

10

Q. In that context, are you able to say why as at this date, 27 June, the potential use of that 850 ADF people wasn't a matter under consideration?

A. No, I'm sorry, I'm not able to.

15

Q. Thank you. Thank you, Mr Operator, that can come from the screen.

We have spoken and just looked at a document now, Mr Eccles, dated the end of June, that dealt with the transfer of responsibility for certain aspects of the program to Corrections. As I understand it, not long after that there was then a more substantive refinement that moved overall responsibility for the program away from the Minister for Health and her Department and into the Department of Justice and Community Safety and the Attorney-General; is that right? And a document in relation to that can be found at DPC.0001.0001.6536. Again, I think this is done in two stages, Mr Eccles, but this document first, if one looks to page 8 --- I'm sorry, it's page 6538, the third page of the document --- it again deals with the retention of a new workforce. And the transfer of various contractual responsibilities from DJPR through to DHHS and now to the Department of Justice and Community Safety.

20

25

30

A. Yes.

35

Q. And as I understand it --- thank you, that can come from the screen --- finally, towards the end of --- I think it's about 9 July, DPC was supportive of a proposal that the whole program become part of the remit of the Department of Justice and Community Safety, with the Attorney-General as the responsible Minister?

A. Yes.

40

Q. And can I ask --- this is I think the last document I'm going to ask you to look at, Mr Eccles --- can I have DPC.0012.0001.0532. This is a document not prepared by your Department but which was a document submitted to the Crisis Council of Cabinet in relation to the final approval of accountability for the delivery of the Hotel Quarantine Program to the Attorney-General.

45

A. Yes.

Q. Can we just go through a couple of pages, please, to the third page of the

document, Mr Operator. That's .0534. There is a summary of key issues there, regarding --- paragraph 2 in particular rehearses the reasons why it was proposed to move accountability to the Attorney-General. Thinking perhaps about the discussion that we had before the break, Mr Eccles, about the idea of I think collective  
5 decision-making and the difficulties that can flow from accountability if there isn't a clear line of decision-making, was that issue, the diffuse, arguably, nature of some decision-making and control, one of the reasons why your Department was supportive of the move to the program being given to the Attorney-General and her Department?

10

A. I haven't got the --- our briefing document, the red, with me, but I can --- so I don't know the basis for our support. But the idea of consolidating accountability is, is a logical idea.

15

Q. Thank you. You have produced the summary and we can go to it if you need to, but that can come down for the moment now, Mr Operator.

20

The question arises, Mr Eccles, given what appears to have been the view formed by early July that the correct place for the program to sit was in the Department of Justice and Community Safety, with the Attorney-General, should it have always been there? Was it a mistake or inappropriate in some way to have originally located it where it was with the Department of Health and Human Services and through Emergency Management arrangements? I'm interested in any reflection you have on whether one can draw that inference that where it is now reflects poor or less than  
25 ideal decision-making earlier on when it was elsewhere?

30

A. I don't think it's as simple as saying everything would have been --- everything would have been better if originally Corrections had been responsible for the program. I mean, it emerged over time what the particular complexities were with the cohorts of people who were being detained and the supervisory arrangements, and I think the skill set of Corrections Victoria staff, it became apparent that private security was facing particular challenges, the sort of skill set that Corrections Victoria staff have in managing complex individuals with vulnerabilities, their ability to deescalate particular situations, which is a feature of the hotel quarantine  
35 experience, so it's less about Corrections Victoria per se and more about the skill set of the workforce that is fit for a contemporary purpose. I wouldn't want to go back and use that as the basis for saying that there was an error in the original --- the original arrangement.

40

Q. Does where the program ended up as at early July reflect your understanding of where Government would see it sitting in the future if and when international arrivals into Melbourne return? Is that something you are able to speak to.

45

A. It's not something I'm able to speak to but I am able to say that there is active consideration being given to what might be the next --- the next phase of support for travellers who are returning to Melbourne in the event that the --- that we are in a position to receive international travellers. That is a very live conversation and live

product at the moment.

5 Q. As I understand it, Madam Chair, and I have been in contact with those representing the Department of Justice and Community Safety, it is to that Department that we could direct relevant enquiries. Is that your understanding, Mr Eccles?

A. Yes, it is.

10 Q. Thank you very much, Mr Eccles. Madam Chair, those are the questions that I had for Mr Eccles. I'm on notice of two still persisted-with applications, as I understand it, for leave to cross-examine. The first is on behalf of Victoria Police. I apprehend that some matters may have been dealt with already but I call on Mr Star to make his application in relation to matters that are still outstanding.

15 MR STAR QC: Madam Chair, there are three select topics which I wish to deal with. They are the press conference on 27 March, the VSB meeting and communications with the then Chief Commissioner of Police. I'm grateful that my learned friend has covered off some of the matters which I would have raised but  
20 I won't obviously repeat those, but there are other matters which we have given notice of and which we consider to be relevant and will assist the Board, if I could have leave to deal with those three topics.

CHAIR: Yes.

25 MR ATTIWILL QC: Madam Chair, could I just be heard on that briefly. The three topics that have been identified by Mr Star have each been questioned on extensively by Counsel Assisting, so the 27 March issue, the VSB meeting and then communications with the Chief Commissioner. So nothing else has been identified  
30 by Mr Star. My submission is if Mr Star is to properly obtain leave in those circumstances, he ought identify what remains.

MR STAR QC: Madam Chair, I have indicated the topics, and that I won't be repeating. Really, I'm not proposing to --- and I don't think it assists to set out the  
35 questions I'm about to ask. There can be objections at the appropriate time and really all parties ought to be given, in fairness, the opportunity to raise these matters, just as my learned friend the other day was given leave to do exactly that with the then Chief Commissioner of Police. So I really should just be given the opportunity to get on with it officially and if proper objections are to be made, they will be made.

40 CHAIR: Yes, Mr Star. You have identified the topics and I understand through your representations to me that you don't intend to traverse areas that have already been traversed, and I'm sure Mr Attiwill will be watching closely to see whether or not the manner and content of the questions are properly put. So I'll grant you leave with  
45 that understanding.

MR STAR QC: Thank you, Madam Chair.



**CROSS-EXAMINATION BY MR STAR QC**

5

MR STAR QC: Mr Eccles, my name is Mr Star and I appear for the Chief Commissioner of Police. Can you hear me okay?

A. I can, Mr Star.

10

Q. I'm going to move quickly to the press conference on 27 March. But just to locate that on that day, you have given evidence about the National Cabinet meeting. Do I take it that the Premier was attending that from 1 Treasury Place?

15

A. Yes, that's correct.

Q. And your attendance on that day of course was at Treasury Place to assist the Premier there?

20

A. Yes.

Q. And Treasury Place is where the Premier's Office is located; that is correct?

A. Yes.

25

Q. And that's where PPO, the Premier's Private Office, is located? You nodded, but I couldn't hear you.

A. Yes.

30

Q. And that's also where DPC's office is located?

A. We have got 1,100 officers, Mr Star. If it's relevant, I'm located here.

35

Q. Thank you. The press conference, which I'm going to take you to in a moment, that took place directly outside Treasury Place, didn't it, on 27 March?

A. I have no recollection of the press conference, Mr Star.

40

Q. Okay. Now, between --- you're aware that the press conference occurred at or around 3.20 pm on that day?

MR ATTIWILL QC: Madam Chair ---

45

CHAIR: Okay, all right.

MR STAR QC: But the witness can answer if he doesn't know.

A. I don't know.

5 CHAIR: He has already given that answer, Mr Star, if you recall. He has already indicated that he wasn't aware of the press conference and that he has had it drawn to his attention. He didn't watch. Mr Eccles' evidence is he didn't watch it and he's had it drawn to his attention since, is what I understand. Is that right, Mr Eccles?

10 A. I was in a meeting at the time.

MR STAR QC: But you were aware that the Premier was giving a press conference that day, weren't you, Mr Eccles?

15 A. It is a matter of routine that the Premier will follow the Prime Minister when significant matters are addressed by National Cabinet.

20 Q. Before --- between --- when National Cabinet finished, you have given evidence that there was a debriefing of senior persons within the Victorian Public Service. That's correct?

And between then and the Victorian Secretaries Board meeting, you were aware, weren't you, that representatives of DJPR and DPC were in contact with one another in relation to arrangements for the quarantining of returned travellers?

25 A. I have no specific awareness but I --- it's a reasonable assumption that there would have been contact between my people and DJPR folk.

30 Q. And it's a reasonable assumption that there also would have been contact not only between DJPR people and DPC people but also people from PPO?

A. I can't speak to that.

35 Q. By mid-afternoon on 27 March, and before the VSB meeting, it was your expectation that there was already cooperation and coordination between representatives of DPC and DJPR about arrangements which would have had to have been made for returned travellers?

A. There would have been some conversation likely between the two Departments.

40 Q. And would you think that those conversations would bring in representatives of PPO as well?

45 MR ATTIWILL QC: I do object to this, Madam Chair. The topics were clearly identified, it's got nothing to do with the topics. Now Mr Star is asking Mr Eccles just to engage in speculation. I just don't see how the Board is going to be assisted by this line of questioning at all.

MR STAR QC: Madam Chair, I have to start somewhere and I'm moving to the topics and this forms part of the topics and this is trying to assist the Board by --

CHAIR: Just get there, Mr Star.

5

MR STAR QC: Thank you.

Mr Eccles, you have given evidence that ordinarily on factual matters the DPC does brief the Premier prior to making his public announcements. Is that a correct  
10 summary of your evidence?

A. If it's requested, if matters of fact or issues of fact are requested by the Premier's Private Office to assist the Premier then we will oblige.

15 Q. And if the matters on which the Premier is going to speak touch on programs or activities of another Department, that other Department may assist the Premier for the purposes of preparation of his media announcements?

20 A. I can't speak definitively to the Premier --- of the Premier's Private Office --- but in the normal course DPC would provide the service to the Premier's Private Office but that's not an exclusive relationship.

Q. Am I to understand that the prime source of assistance typically to the Premier for the preparation of media announcements comes from PPO?

25

A. The prime source of?

Q. I'm asking --- to your knowledge, who is the main body or person who assists the Premier when he's preparing media announcements?

30

A. His private office.

Q. Thank you. Can I --- I want to ask you some matters about the Premier's conference held on 27 March. Could the operator please put on the screen a transcript which has been prepared. It is VPOL.0006.0002.0013.

35

Mr Eccles, I just want to show you some select spots and to assist you just to locate where in the transcript --- can you see on the first page, at around line 12, the Premier says:

40

*Now I haven't got long today, I just want to give you an update.*

And can you see that he refers to the decisions made by the National Cabinet this morning and the announcements that the Prime Minister has just made?

45

A. Yes.

Q. That is really just to assist locate, because there's been so many press conference -- this one to the day on 27 March after the National Cabinet decision and the Prime Minister's statement.

5 Could the operator please turn to the second page. Mr Eccles, can I direct your attention to about --- it's the top of the page, you'll see it starts --- the Premier start talking about in terms of decisions taken today.

CHAIR: I'm not sure where you are, Mr Star.

10

MR STAR QC: If the operator could go back one page, unfortunately this seems to be different to the version I have in front of me.

CHAIR: It would be helpful if you use the numbers, the line references.

15

MS ELLYARD: Just before line 30, my learned friend might be looking for, "in terms of decisions taken today".

MR STAR QC: Yes, thank you to Counsel Assisting. Moving down in the next paragraph, there's referencing to the needs of quarantine of an appropriate source at the hotel. But I want to direct your attention to the paragraph after that, where the Premier commences:

20

*Now I know this will raise many, many questions.*

25

That's at the top of page 2. Can you see in the top of that paragraph, Mr Eccles, that the Premier says:

*We've been working on this for quite some time. There's always been, I think, there's always been a resource that we could draw down on for one purpose or another, but all of our accommodation hotels are basically empty. This is not just about an appropriate health response. It's also back to those points I made a week ago about working for Victoria.*

30

The reference the Premier is making there, "We've been working on this for quite some time," do you understand that to be referring to the activities which DJPR was undertaking about the use of hotels for things like Hotels for Heroes, et cetera?

35

MR ATTIWILL QC: I do object to this, Madam Chair.

40

CHAIR: Yes, I understand, Mr Attiwill. You can understand exactly what that objection is, Mr Star.

MR STAR QC: What I want to assist the Board with is to understand the source of some of the information to which the Premier is referring and as to whether the source comes from Mr Eccles or his Department.

45

MS ELLYARD: Madam Chair, I'm sorry, but I have asked the witness and he says that he didn't provide information and as far as he's aware nor did his Department. If there are particular matters that Mr Star has instructions or wishes to assert did come from the Department, I wouldn't speak against that but in my submission a direct question about a specific topic will be of more assistance.

MR STAR QC: Thank you. I'll try and deal with it another way, Madam Chair.

The reference is --- Mr Eccles, Working for Victoria, to your knowledge that is a DJPR program; is that correct?

MS CONDON QC: Madam Chair, it's Ms Condon here on behalf of DJPR. I object on the basis, for the same reasons that have previously been made. These are utterly questions based in speculation.

CHAIR: Mr Star, you will have the opportunity --- I'm sure you understand that the Premier will be giving evidence later on in the week. It seems to me that's the place to put these --- that's the appropriate person to put these questions to, rather than asking Mr Eccles to speculate about what the Premier was referring to. If you've got, as Ms Ellyard said, if you've got a direct question about whether or not particular pieces of information came from Mr Eccles or his Department, I'll allow you to put that. But otherwise, asking Mr Eccles to speculate about the meaning of what's contained in here isn't helpful.

MR STAR QC: If the Chair pleases. If I can try and deal with another passage in that way. At about line 15 on the page, Mr Eccles, I direct your attention to where the Premier has said:

*Police, private security, all of our health team will be able to monitor compliance in a much easier way, in a static location, one hotel or a series of hotels, as the case may be.*

You will recall that Counsel Assisting mentioned that there had been passing reference to private security. Do you recall that, Mr Eccles?

A. I do.

Q. But I want to direct your attention to what immediately follows, too, where the Premier says:

*That'll mean, and this is the really important message, that will mean that more of those police that we have, those 500 police that are doing that work in terms of Coronavirus enforcement, they'll be able to get to even more homes where people are supposed to be quarantining.*

Mr Eccles, did you understand, following the debriefing after the National Cabinet meeting, that police and private security and health representatives would be working

together on these sorts of activities?

A. I didn't conduct the debriefing.

5 Q. Did you or anyone in DPC brief the Premier about police, private security and the health team being able to work together?

A. I have no awareness of that.

10 Q. Are you able to say who has briefed the Premier about police, private security and the health team working together in this way?

A. I'm not.

15 Q. Are you able to say why it is the Premier has the information that that arrangement would facilitate police being able to work separately on checking people self-isolating at home?

20 MR ATTIWILL QC: I do object, Madam Chair. It's going on for too long. The questions are being asked very directly and these matters are for somebody else, if leave was given in that regard. But Mr Eccles has made his position pretty plain, with respect, so far, but it's a matter for the Board.

25 CHAIR: I think Mr Eccles has indeed answered the question in any event, Mr Attiwill.

Am I right, Mr Eccles, that you don't know?

A. That's correct.

30 MR STAR QC: Well, if I can be permitted to ask this question, Madam Chair: are you able to say, Mr Eccles, from your knowledge, how it is that the Premier referred to a model that involved the use of private security and freeing up police to do more checks in the community?

35

A. No, I'm not able to help.

40 Q. Can I turn to the meeting of the VSB at around 4.00 pm that day, Mr Eccles. I'm directing your attention to that topic now. Could I ask that the operator put back on the screen the notes of Mr Eccles' adviser. They are DPC.0013.0001.0001.

45 MR ATTIWILL QC: I hate to interrupt my friend on this. Can I just clarify with the Board that that is now a different version to the one that was previously displayed that didn't have --- because there were some issues in relation to non-publication of some parts of this document. Do you know whether that has been corrected? I just wish to double-check that. The previous version that had been referred to was not the correct version that ought to have been referred to, that had the appropriate

non-publication parts redacted, as I understand it. So I just want to now check that this is the correct version.

5 CHAIR: Yes. Are you able to assist me in that regard, Ms Ellyard, as to whether or not this document has --- I assume it's personal identifying information that's been removed?

10 MS ELLYARD: No, the information that's been removed is information similar to that that has been removed from various versions of the Operation Soteria plan, Madam Chair, relating to particular arrangements in part of the four phases of the operation.

CHAIR: Yes.

15 MS ELLYARD: Without inviting the operator to go through to the next page, I can't say whether or not redactions have been made. Perhaps if my learned friend Mr Star could take the witness with precision to particular parts, we will see how we can manage it. But perhaps, for the avoidance of doubt, it should be noted that there shouldn't be any media discussion of this document until we can clarify for their  
20 benefit and give the leave to appear parties the parts of it that are the subject to redaction.

MR STAR QC: I wonder if it will assist if the document that comes up on the screen is the one that Counsel Assisting went to. I was not alive to the differences. This is  
25 the version I have got, but Counsel Assisting did have a version on the screen during the questioning of Mr Eccles. If Counsel Assisting has that other document reference, I would be happy enough if that version is used.

MS ELLYARD: I think it was me, Madam Chair, who brought up a version that  
30 didn't have the redaction. So really it is a question of whether or not when redactions are applied, the document number doesn't change, it's just a new version. This is the document. Perhaps I'll seek some clarification. I'm told that it has been corrected, so that we should be able to display it appropriately.

35 CHAIR: All right.

MR STAR QC: Mr Eccles, I think your evidence is that you don't have an independent recollection of this meeting but you've got no reason to doubt these  
40 notes? Is that a fair summary?

A. With the additional caveat that there is an element of speculation around the content. But yes. Broadly so.

45 Q. You don't take issue, Mr Eccles, do you, that this is the best --- the only contemporaneous notes available as to this meeting?

A. That's correct.

Q. And your evidence is that VSB is a useful and important information exchange forum; that's correct?

5 A. Yes.

Q. But VSB of itself doesn't make formal operational decisions?

10 A. That's correct.

Q. And to the best of your knowledge VSB did not make any formal operational decisions in relation to the Hotel Quarantine Program?

15 A. That's correct.

Q. We see on the first page --- and if we move through it, and the initials will mean something to you --- you chair the VSB meeting and facilitate the discussion of the other attendees; that's correct? And it's your practice to provide a moment in the meeting where attendees can ask questions before everyone finishes off? Is that correct?

A. They can ask questions at whatever point they want to.

25 Q. Okay. If we go to page 3 of these notes, you'll see a heading "Questions?" And then you'll see initials GA and two bullet points there. Can you see that, Mr Eccles?

A. I can.

30 Q. You understand these bullet points being questions that were raised by Mr Ashton at this stage of the meeting, don't you?

35 MR ATTIWILL QC: I object to this. Mr Eccles has given clear evidence that he has no recollection of this meeting. His evidence is that he doesn't doubt that these notes are accurate to the extent they were taken and now he's being asked in effect whether he's got positive recollection of these matters. He's given clear evidence, Madam Chair, with respect, in relation to this meeting and these notes and he was asked these questions by Counsel Assisting.

40 MR STAR QC: Madam Chair, with Counsel Assisting, Mr Eccles was able to usefully interpret the notes and that's --- I do want to touch on that for some additional matters, which Ms Ellyard appropriately did with Mr Eccles on some topics.

45 MR ATTIWILL QC: He did say at the time, Madam Chair, that he would only just be speculating, so further speculation with Mr Star is just going to be of no assistance, in my submission.



CHAIR: I will listen to the question that Mr Star actually wants to put, Mr Attiwill, and then make a decision about whether or not it's going to be of any assistance.

5 MR STAR QC: Mr Eccles, if I direct your attention more specifically to the second bullet point, where it is attributed to GA:

*People coming in from OS --- the process that Paul is coordinating --- police wont guard but will be doing the checks?*

10 Can I suggest to you that you understand that to be the Chief Commissioner of Police raising a question about this topic?

15 MR ATTIWILL QC: I do object to it. It's asking Mr Eccles to really do no more than what you can do, Madam Chair, or what I might do or Ms Ellyard does. He's just asking for an interpretation of what is in the note, not his memory of it.

CHAIR: Mr Eccles can indicate as to whether or not he has anything other than speculation to add, if it refreshes his memory. I'll listen to that.

20 A. The question mark doesn't help me move beyond the realms of speculation.

MR STAR QC: What about the topic heading, the word "Questions?" before that? Does that assist you, Mr Eccles?

25 A. Not particularly.

Q. Does it assist you that the initials GA do not appear previously in these notes in reporting on a topic?

30 A. I must say, Madam Chair, I have slightly lost my place in this conversation.

CHAIR: Yes, I'm not sure what that means either, Mr Eccles.

35 MR STAR QC: Let me ask you this, Mr Eccles: do you accept --- after the notes of GA and those two bullet points, you see the initials SP, which I take it refer to Mr Phemister; that's correct?

A. Yes.

40 Q. And then you can see there's a bullet point about crowd control issues at hotels. Can you assist the Board whether this is now starting to deal with a different topic from the topic raised in the two bullet points above?

45 A. I can't help. I really can't.

Q. If we move to the next page, page 4 of these notes, at about halfway down on the page, can you see the initials SP?

A. Yes.

Q. And the third bullet point there:

5

*Getting direction out of PPO and DPC --- but we need to have --- I mean we have 11 projects here we are getting direction from all angles.*

10 Does that assist your recollection or can you assist the Board that before the VSB meeting there was interaction between PPO and DPC and DJPR on these matters?

MS CONDON QC: Madam Chair, I object to the line of this questioning, for the same basis that I objected a little earlier. It's an invitation to Mr Eccles to speculate. There is a more appropriate person that these questions may be directed to tomorrow.

15

CHAIR: Yes.

MR ATTIWILL QC: Could I just say one thing, and it's this, Madam Chair, because it is highly relevant: that is, if this matter was so important, you would have expected that Mr Ashton would have said something about it. And all he said about it in his evidence, in his witness statement, was he didn't recall any discussion about security at this VSB meeting. And so what's now sought to be done is just to interrogate these notes with Mr Eccles in circumstances in which he says he can't recall. And so it's really --- none of this has been clarified with Mr Ashton, he hasn't been asked any questions, his statement has been put on it and it really just is in the world of speculation now, Madam Chair.

20

25

MR STAR QC: Madam Chair, I was asking the questions in fairness to the witness because these are objective contemporaneous documents which all parties no doubt will be making submissions upon and I was really giving Mr Eccles the opportunity to comment on these matters by appropriately bringing it to his attention.

30

CHAIR: What I understood the question to be directed at, Mr Star, and I might have misunderstood, but rather than asking Mr Eccles to interpret the notes, what I thought you were asking him to do was to answer the question as to whether or not he had any recollection of his Department, Department of Premier and Cabinet, having communications with DJPR. Is that the question?

35

MR STAR QC: It is, Madam Chair.

40

A. I have no such recollection.

CHAIR: All right. That's the answer, Mr Star.

45 MR STAR QC: If I move to my final topic, Mr Eccles, you yourself did not call Chief Commissioner Ashton or anyone else at Victoria Police to give a heads-up about the National Cabinet decision or about use of police at hotels, did you?

A. No.

5 Q. And to your knowledge no one else from DPC contacted Mr Ashton or anyone else at Victoria Police on 27 March 2020 to give a heads-up about that decision of National Cabinet and arrangements flowing from it?

A. Not to my knowledge.

10 Q. And there was a debriefing following the National Cabinet decision which had high level representatives of DPC and DHHS? Do you know that?

15 A. I don't know that. There's a --- Ms Peake's witness statement makes reference to a debrief from DPC to DHHS. So that's as close as I can get to confirming one way or the other.

Q. I think --- correct me if I'm wrong --- I think your evidence is that a Deputy Secretary notetaker was tasked to contact relevant persons; is that correct?

20 A. That's the normal practice, yes, Mr Star.

25 Q. That's the normal practice. And to your knowledge did --- are you aware that the Deputy Secretary notetaker did contact relevant persons on 27 March 2020 following the National Cabinet decision?

A. We have had --- apart from what I have just disclosed, we have also had evidence today that was put to me around a text exchange with the Emergency Management Commissioner.

30 Q. Mr Eccles, you don't have any knowledge, do you, of the Deputy Secretary notetaker contacting Chief Commissioner Ashton, do you?

A. No, I don't.

35 Q. And you have also got no knowledge of the Deputy Secretary notetaker contacting anyone else at Victoria Police about their potential involvement?

A. I don't have that knowledge.

40 Q. I just want to ask you this. You don't dispute, do you, that Chief Commissioner Ashton did message you? You just can't recall that message? That's correct?

45 A. Sorry, yes. He --- it's apparent that he --- the record of his phone reveals that he texted me.

Q. What is your usual practice, if you are contacted by the Chief Commissioner of Police?

A. I'm a courteous individual and I would --- depending on the context, I would in the normal course reciprocate.

5 Q. And by that you mean that if you normally get a message from the Chief Commissioner of Police asking you a question, your likely practice is to get back to the Chief Commissioner; is that correct?

A. That would be my normal practice.

10

Q. Have you checked your phone records to determine if you telephoned Chief Commissioner Ashton back?

A. Yes, I have.

15

Q. What do those phone records reveal?

A. It doesn't reveal a --- my phone records don't reveal the contact. I'm not sure how complete my phone records are. But to the extent that I was able to interrogate my phone records, they didn't reveal that contact.

20

Q. If you were unable to contact, to respond to a message and a question from the Chief Commissioner of Police, what would your likely practice be?

25 A. Can you repeat the question?

Q. Let me ask you this, Mr Eccles: if you yourself were not in a position to reciprocate the contact, would you get someone else to do so on your behalf?

30 A. I would have --- that is possible. It's not --- it's not routine but it is possible.

Q. It is more likely that you will get someone to do it on your behalf rather than not reciprocating and not responding; is that fair comment?

35 MR ATTIWILL QC: Madam ---

MR STAR QC: I'm asking the question, Madam Chair.

40 MR ATTIWILL QC: He has already answered the question. So I do object to it. He said it's possible.

MR STAR QC: I asked a different question, Madam Chair.

CHAIR: Yes, you did.

45

MR STAR QC: Mr Eccles, do you want me to ask you the question again, just so there's no confusion here?

A. Yes, please.

5 Q. You have received a message from Chief Commissioner Ashton by text, asking you a question. That's correct?

A. Yes.

10 Q. And your evidence is that normally, if you receive such a message, you would reciprocate and be courteous and respond. That's correct? I couldn't hear you, Mr Eccles.

A. Yes, that's correct.

15 Q. And I'm asking you, if you were unable yourself, because you were busy or for any other reason, to reciprocate and respond, is your practice to have someone else from DPC respond, or simply not to respond at all?

20 A. It would be --- if the alternative was either asking someone else to respond or not responding at all, my --- I would again get someone to respond.

Q. Have you checked --- have you checked with the people who you would usually ask to respond if they have spoken to and responded to Chief Commissioner Ashton?

25 A. I haven't asked that question.

Q. So you haven't checked with your inner circle of staff if they responded to this message from Chief Commissioner Ashton?

30 A. No, I haven't.

MR STAR QC: No further questions, Madam Chair.

35 CHAIR: Thank you, Mr Star.

MS ELLYARD: Madam Chair, the other application I'm aware of is an application on behalf of Unified Security. I understand that the likely duration is such that it is probably convenient for us to sit on, rather than take a break and require Mr Eccles in the afternoon. So I call on Mr Moses.

40 CHAIR: Let me just check with Mr Eccles first. It's just a few minutes before the normal adjournment for lunch, Mr Eccles. But Ms Ellyard is indicating that she thinks you may prefer to sit on and --

45 A. Madam Chair, I have a Cabinet meeting to get to this afternoon, so I would be grateful if we could proceed.

CHAIR: Yes. Yes, Mr Moses.

MR MOSES SC: Thank you, Madam Chair. Do you wish me to indicate the topics that I'll be seeking leave to examine the witness on?

5

CHAIR: Yes, I do.

MR MOSES SC: The first, which will be very brief, which has been canvassed now by both Counsel Assisting and Mr Star, went to the issue that he has given evidence on, which is that his evidence is that he is not aware as to how it was that a decision was reached that private security would be the front tier of enforcement in the Hotel Quarantine Program.

10

My question in relation to that issue was: has he since become aware, through his role as head of the Premier's Department, as to how that decision was reached? That is the first area.

15

The second area relates to the decision to undertake the Hotel Quarantine Program and whether he was aware of any consideration by his Department as to the suitability of hotels for such quarantine, either through their own assessment or having advice given to him?

20

The third area was what, if any, consideration was given to the feasibility of the program being able to be established in such a short period of time and whether he accepts in hindsight the program should have been delayed to allow proper control measures to be implemented and the training of workers by the Department of Health and Human Services as occurred as and from 24 June?

25

And, finally, the roles, responsibilities and accountabilities across agencies with respect to risk assessment for design of the program. I'll be very brief with each of those issues by taking him to documents that I have notified Counsel Assisting of, Madam Chair.

30

CHAIR: Yes, I'll grant you that leave, Mr Moses.

35

### **CROSS-EXAMINATION BY MR MOSES SC**

MR MOSES SC: Mr Eccles, my learned friend asked you the question:

40

*Do you yourself know, Mr Eccles, how it was that a decision was reached that private security would be the front tier of enforcement in the Hotel Quarantine Program?*

45

*Answer: No, I'm not aware.*

The question I wanted to ask you is: have you since become aware as to how that decision was reached?

A. No, I haven't.

5

Q. If I can then move to the second issue, which is the decision to undertake Hotel Quarantine Program on or about 27 March 2020, are you aware as to whether the Department of Premier and Cabinet gave any consideration on or about 27 March 2020 as to the suitability for the use of hotels for such quarantine?

10

A. No, I'm not aware.

Q. You detail at paragraph 77 of your statement your involvement in the National Cabinet meeting in which it was resolved that all travellers arriving in Australia would be required to undertake a mandatory 14-day isolation in designated facilities. The question I want to ask you is this: are you aware as to whether there were any considerations within the Department of Premier and Cabinet as to the suitability of hotels being used for travellers who had already been diagnosed as having COVID-19 at the point of entry into the hotels?

15

20

A. I'm not aware.

Q. Are you aware of any advice being given to the Department of Premier and Cabinet on or about 27 March 2020 from any other Government agency about the suitability of hotels being used for quarantined travellers who had been diagnosed with COVID-19?

25

A. I'm not aware of such advice.

Q. In relation to the role of the Department of Premier and Cabinet, you have given evidence that the role of the Department is to maintain a high level of understanding of policies and operations of various Government Departments and agencies to report and brief to the Premier; correct?

30

35

A. Yes.

Q. And the role of the Department is to act in essence as an independent advisory Department to the Premier, as opposed to his personal office; correct?

40

A. Yes.

Q. And in relation to 27 March 2020, is it correct to say that the Department of Premier and Cabinet itself did not have a high-level understanding of what would be the security arrangements at the hotels that would be used for the quarantine program?

45

A. Yes.

Q. Can I then go to the other issue that I wanted to raise with you, which is the feasibility of establishing the program within a short period of time in March 2020. You have given evidence, Mr Eccles, that it was the decision in effect that was implemented following a National Cabinet meeting that there would be Hotel Quarantine Programs. I think that's the effect of your evidence; correct?

A. Yes.

Q. Was there any consideration by the Department of Premier and Cabinet as to whether in fact the State of Victoria was ready to implement that decision within, in effect, a very short period of time, in a way that would not compromise the safety of both people who would be staying at the hotels and workers?

A. Not to my knowledge.

Q. Do you accept in hindsight that the program perhaps should have been sought to be delayed to allow infection control measures to be implemented at hotels?

A. I would prefer not to speculate about that hypothetical.

Q. Can I ask that you go to --- whether the operator can put this document on the screen, it's a document which we understand is dated 24 April 2020, which is DPC.0001.0001.6565, it is a Crisis Council of Cabinet document. I just want to draw the witness' attention to one item which appears at page 2, under the heading "Objectives". Mr Eccles, if you go to the paragraph "Objectives", it says this:

*To continue to be as well prepared as possible to protect public health and reduce the spread and impact of COVID-19 by providing suitable accommodation for quarantined travellers, vulnerable Victorians, and the workforces that support them, in situations where they do not have access to existing accommodation to safely stay home, self-isolate or quarantine, and cannot access an existing service system response.*

Do you see that entry there in the document?

A. Yes, I do.

Q. Do you know whether as of 24 April 2020 the Crisis Council of Cabinet had before it any process whereby the monitoring of the quarantine program could take place in a way that could report back to the Crisis Council of Cabinet to ensure that that objective had been met?

A. Sorry, I can't help you.

Q. Okay. Thank you.



Can I then move to the other issue aligned to that matter that I have just asked you about. In relation to the Department of Premier and Cabinet, did it have any role in being able to limit international arrivals to Melbourne prior to, if I can refer to it as, the outbreak occurring in June 2020?

5

A. Sorry, can you repeat the question?

Q. I'll withdraw the question. I'll put it this way.

10 Prior to the outbreak occurring at the Rydges in May and Stamford in June, that is prior to those dates, did the Department of Premier and Cabinet ever raise a consideration as to whether international arrivals to Melbourne should be limited in order to prevent overwhelming the Hotel Quarantine Program?

15 A. I'm not aware of any such consideration raised.

Q. Thank you. Can I then go to the other issue that I wanted to raise with you, which relates to the roles, responsibilities, accountabilities across relevant agencies with respect to risk assessment of the design of the program. You have said in your  
20 evidence --- and I can take you to the paragraph --- that the Department of Health and Human Services was a lead agency, together with the State Control Centre, concerning the Hotel Quarantine Program. I think it's paragraph 65 of your statement.

25 A. Mm-hm. Yes.

Q. In relation to those two lead agencies are you aware of any document that they briefed the Department of Premier and Cabinet with as to how they were going to go about carrying out the implementation of the Hotel Quarantine Program in or about  
30 the period 27 March 2020 up to and including 24 April 2020?

A. Yes, I understand the question. No, I'm not aware of any such document.

Q. Thank you. Can I then ask that the witness be shown a document which is  
35 DPC.0012.0001.0356. It is a Crisis Council of Cabinet meeting document or submission, as best we have been able to establish, is 4 June 2020. Can I ask that the witness go to page 5, paragraph 18. To be fair to you, Mr Eccles, this document appears to predate, if I can call it, the peak in outbreaks occurring in June 2020, which postdates the date of this submission. It does postdate --- I withdraw that.  
40 The submission does postdate the Rydges notification in May 2020 but I just want to point something out to you in paragraph 18:

45 *While the number of security staff per hotel is dependent on local requirements, as well as the need for 24-hour coverage, regular review of hotel contracts and the number of international quarantine rooms required could result in further savings to security costs.*

Does that paragraph at all ring a bell to you as to whether there was any material being put before the Crisis Council of Cabinet in June 2020 as to trying to implement savings concerning security costs?

5 A. I'm unable to help you, I'm sorry.

Q. That's okay. thank you.

10 Can I just ask you then, in respect of a document that came into existence post the outbreaks, which is another Crisis Council of Cabinet document, which if I can ask for that on the screen, DPC.0012.0001.0463. This submission appears to be for a meeting on 27 June 2020, which appears after, as it were, 18 June when Victoria reached 102 cases over two incubation periods.

15 You will see in relation to this document there are a number of conclusions or --- I withdraw that --- a number of assertions that are made. The one that I would like to draw your attention to is what appears at point 4 of the document. If the operator can go to what appears at page 2, there is a representation made in this document that:

20 *The hotel quarantine for returning international travellers has been a key element of government's response to COVID-19, but there have been issues with its operation.*

25 It sets out a number of issues, 1 to 5. In respect of 4, do you recall being provided with any briefing papers that underpin the assertion set out in item 4 of this document?

A. No, I can't.

30 Q. Do you accept this general proposition, Mr Eccles, and that is that --- you probably know where the quote comes from --- the success or failure of any Government in the final analysis must be measured by the wellbeing of its citizens? Do you accept that proposition?

35 A. Can you repeat the proposition, please?

Q. The success or failure of any Government in the final analysis must be measured by the wellbeing of its citizens.

40 A. It's certainly one measure of success.

Q. And nothing can be more important to a State than the health of the public?

45 A. That's certainly an important consideration.

Q. And do you accept, where we sit here at the moment, on 21 September 2020, that on reflection, in respect of the Hotel Quarantine Program, that it was a program that

on reflection could have been more, if I can put it, more effectively implemented, had more time been given to the State of Victoria to prepare for it?

5 A. That's not an opinion I care to venture.

Q. Is there a reason why, as the most senior public servant in the State of Victoria, you're not willing to express an opinion on this in order to assist this Inquiry?

10 A. It's not a reason that I feel the need to expose now.

Q. I'm sorry, I didn't understand that answer, Mr Eccles, I do apologise.

A. Well, the --

15 Q. Could you repeat?

A. Well, we have --- I'm participating in a process at the very heart of which is getting into matters that bear upon your question.

20 MR MOSES SC: Thank you. Madam Chair, thank you for your patience. Thank you, Mr Eccles, I have no further questions.

A. Thank you.

25 CHAIR: Thank you, Mr Moses.

MS ELLYARD: Madam Chair, I was aware of a third application which is not pursued. I pause for a moment in case I have misunderstood and there is any further application to question Mr Eccles.

30 Then I pause again in case Mr Attiwill has any matters he would seek to raise with you on behalf of the Department of Premier and Cabinet.

MR ATTIWILL QC: Thanks, Ms Ellyard. Nothing from me, Madam Chair.

35 CHAIR: Thanks, Mr Attiwill.

MS ELLYARD: In that case, that is the evidence of Mr Eccles and I invite the Board to excuse him with our thanks.

40 CHAIR: Thank you, Mr Eccles, thank you for your attendance at the Board. You are now excused, so you are able to turn off your camera and your microphone.

45 A. Thank you very much, Madam Chair, thank you, Counsel Assisting.

**THE WITNESS WITHDREW**

5 MS ELLYARD: Madam Chair, that is the evidence for today. As foreshadowed last Friday, on Tuesday we will have firstly the evidence of Mr Phemister, the Secretary of the Department of Jobs, Precincts and Regions and then the evidence of Ms Peake, the Secretary of the Department of Health and Human Services.

10 CHAIR: Thank you, Ms Ellyard, we will adjourn until 10.00 tomorrow to recommence with that evidence. Thank you.

MS ELLYARD: If the Board pleases.

15 **HEARING ADJOURNED AT 1.12 PM UNTIL 10.00 AM ON TUESDAY,  
22 SEPTEMBER 2020**

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