

IN THE MATTER OF  
THE BOARD OF INQUIRY INTO  
THE HOTEL QUARANTINE PROGRAM

**STATEMENT OF SIMON GRANT PHEMISTER**  
**SECRETARY OF THE DEPARTMENT OF JOBS,**  
**PRECINCTS & REGIONS**

I, **SIMON GRANT PHEMISTER**, Secretary, Department of Jobs, Precincts and Regions (**DJPR**), say as follows in response to the Notice to Produce a Witness Statement issued by the Board and dated 31 July 2020 (**NTP**):

1. I set out below my responses addressing the questions asked of me in the NTP.

## INTRODUCTION

2. By way of introduction, I would like to begin by stating that the fight against coronavirus is and has been a united effort by all Government departments and agencies. In the context of the Victorian hotel quarantine program (**Program**), DJPR's role was, in essence, to provide logistical support for the Program: coordinating hotel arrivals and departures, contracting security services and hotels and managing those contracts, and working to ensure services such as meals, toiletries, cleaning and laundry were provided to those in quarantine.
3. This support, and indeed the Program as a whole, was commenced at a highly complex and challenging time for both the community and the Government.
4. Within 48 hours of having been notified of the requirement to establish a quarantine program, the first plane had landed.
5. Throughout the time that the Program was being implemented and running, there were very significant demands being made of a number of Government departments. None more so than the Department of Health and Human Services (**DHHS**), whose responsibilities have included testing, contact tracing, the provisioning of equipment and beds within the hospital system along with countless other responsibilities in dealing with the pandemic from both a health and welfare perspective.

6. By 30 June 2020, in the course of just over three months some 20,092 passengers returned to Australia travelling on 342 flights into Melbourne. All returning passengers were placed into the Program. Many of these people were returning families; a number were persons suffering from mental illness and health challenges; all were required to quarantine in a hotel for 14 days.
7. Initially, quarantined individuals were accommodated in two hotels. By 30 June 2020, 24 hotels had supplied accommodation to the Program.
8. In providing this statement, I have sought to the best of my ability to answer the questions that the Board of Inquiry has asked of me. In many instances, in order to provide detailed responses, I have informed myself of matters by reviewing documents made available to me, all of which I understand have been produced to the Board of Inquiry. I have provided answers to each of the questions in the NTP although I have moved the answers to the matters concerning Operation Soteria forward in this statement whilst retaining the numbering in the Board's request.

## BACKGROUND, ROLES AND RESPONSIBILITIES

### **NTP Question 1: What is your role and what are your key accountabilities within the Department of Jobs, Precincts and Regions?**

9. I hold the position of Secretary of DJPR. I acted in this position in November and December 2018 and I was formally appointed to the role on DJPR's creation, on 1 January 2019.
10. In this role I am responsible for delivering against DJPR's purpose, which is to ensure Victoria's economy benefits all Victorians by creating more jobs for more people, building thriving places and regions and nurturing inclusive communities. My key accountabilities are to:
  - (a) lead and manage the responsibilities and statutory requirements of DJPR;
  - (b) manage the operations, staff and budget of DJPR to ensure the most effective use of the State's resources;
  - (c) provide high level authoritative policy advice and briefings to portfolio Ministers and to Government on portfolio issues and the delivery of DJPR programs;
  - (d) convene the Corporate Executive and lead the development and implementation of major Departmental policies and corporate strategies;
  - (e) liaise, advise and negotiate with Department Heads and senior officers of Commonwealth and State Government agencies, local government, and leaders in the private sector and the community regarding the implementation, delivery, marketing and promotion of DJPR programs;

- (f) manage DJPR's relationships with other agencies and organisations in the public and private sectors;
- (g) represent DJPR and, as required, the Ministers in industry fora, on major working parties and at public events;
- (h) actively model DJPR's vision and values, leading a values-based culture by modelling behaviour;
- (i) such other duties as required from time to time to ensure the effective management of the Department and delivery of programs in accordance with Government Policy.

11. Now shown to me and marked **SP-1** is a current organisation chart for DJPR [DJP.006.001.0001](#).

**NTP Question 2: What is your relevant professional background and work history?**

12. Prior to my role as Secretary, DJPR, I held the following positions:
- (a) Deputy Secretary, Economic Policy and State Productivity, Department of Premier and Cabinet, (**DPC**) from February 2015 to November 2018. My key accountabilities in this role included leading work on the State's economic, transport and resources agenda; and high level strategy and policy work, including budget leadership, across economic development, jobs, transport, resources, environment, land, water and planning;
  - (b) Executive Director and Deputy Secretary, Policy and Strategy Group, Department of Human Services (now DHHS), from February 2010 to February 2015. My key accountabilities in this role included strategic planning, socio-economic policy, industry and workforce policy and research and evaluation.
13. I have the following degrees/qualifications:
- (a) Executive Masters, Public Administration;
  - (b) Bachelor of Business (Asia Pacific Studies);
  - (c) Honours in International Studies.

## THE DEPARTMENT GENERALLY

### **NTP Question 3: Does the Department, on behalf of the State of Victoria, have particular responsibility to contract for the provision of services?**

14. DJPR was established on 1 January 2019 to ensure Victoria's strong economic performance by growing industries and regions. DJPR has portfolio responsibility for a broad range of areas, including:
- (a) agriculture;
  - (b) creative industries;
  - (c) jobs, innovation and trade;
  - (d) business precincts;
  - (e) racing;
  - (f) regional development;
  - (g) resources;
  - (h) small business;
  - (i) suburban development; and
  - (j) tourism, sport and major events.
15. DJPR also has regulatory functions across various industries including agriculture and resources, as well as emergency management functions in agriculture and critical infrastructure (being telecommunications and food and grocery supply continuity).
16. Consistent with DJPR's broad operational profile, DJPR regularly enters into contracts with a diverse range of suppliers of goods and services, including e-services, professional advisory services, printing services and staffing services.
17. In the 2018-19 financial year (accounts for FY2019-2020 are still being finalised), DJPR procured a total of 76 one-off supply contracts with an overall value of \$18 million. The top five categories for procurements in that financial year were professional services, staffing services, utilities, property and land, scientific research, and IT and telecommunication services. DJPR only came into existence in January 2019 so these figures only capture activity for the six months to 30 June 2019.

### **NTP Question 4: Who within the Department authorised each of the contracts entered into with hotels and security companies in the Hotel Quarantine Program?**

18. In order to understand who within DJPR authorised each of the contracts entered into with hotels and security companies, it is necessary to set out the detail and circumstances within

which the hotels and security companies were identified, procured and engaged. I address these matters later in my statement.

## INITIAL PLANNING

**NTP Question 5: Were you aware, in advance of 16 March 2020, of the potential for a State of Emergency to be declared in Victoria? If so, state how you became so aware.**

19. I do not recall being aware, in advance of 16 March 2020, of the potential for a State of Emergency to be declared.

**NTP Question 6: What, if any, functions in relation to Victoria's COVID-19 response were allocated to the Department when the State of Emergency was declared on 16 March 2020?**

20. When the State of Emergency was declared on 16 March 2020, DJPR was given a number of industry and worker support functions, in keeping with DJPR's areas of expertise. The first roles allocated to DJPR, that Sunday, were:

- (a) to prepare guidelines for a:
  - (i) \$500m business support fund to support the hardest hit sectors of the economy;
  - (ii) \$500m fund to help workers who had lost their jobs find new opportunities;
- (b) to contract hotels for the provision of accommodation to support various members of the community who were at risk as a result of the COVID-19 pandemic.

**NTP Question 7: Did you or your Department play any role in the National Cabinet, including by way of briefings or information gathering, for the assistance of those attending the National Cabinet? If so, what was that role?**

21. No. Neither DJPR nor I played any role in the National Cabinet in relation to the Program.

**NTP Question 8: Did the Department have a role in planning for the possibility of any form of quarantine for returned travellers prior to 27 March 2020?**

22. No, DJPR did not play any role in planning for the possibility of any form of quarantine for returned travelers prior to 27 March 2020.

27 and 28 March 2020

**NTP Question 9: Prior to 27 March 2020, were you or the Department aware of the possibility of a program requiring that persons be quarantined in hotels? If so, how and when did you become so aware?**

23. No, prior to 27 March 2020 I was not aware of the possibility of a hotel quarantine program in Victoria, in the sense of a mandatory regime (as distinct from the provision of accommodation for at-risk members of the community, such as front-line health workers through what was known as the Hotels for Heroes program). I also do not know of anyone in DJPR who had this knowledge prior to 27 March 2020.

**NTP Question 10: As at 27 March 2020, what plans, if any, were in place for implementing a program requiring that persons be quarantined in hotels?**

24. As follows from my answers above, prior to 27 March 2020, DJPR did not have any plans in place for implementing a hotel quarantine program (again, in the mandatory sense). The first planning began following the National Cabinet meeting on 27 March 2020, as I describe below.

**NTP Question 11: When and how did you first learn that a Hotel Quarantine Program was to be implemented in Victoria?**

25. On Friday 27 March 2020, at around midday, I first learned that a hotel quarantine program was to be implemented in Victoria. This was communicated to me by phone by Chris Eccles, Secretary, DPC. Mr Eccles informed me that he had just stepped out of a meeting of the National Cabinet where it had been determined that a mandatory quarantine scheme was to come into operation Australia-wide for all new international arrivals, effective 11.59 pm Saturday 28 March 2020; with arrivals to be quarantined for 14 days.

**NTP Question 12: On 27 March 2020, what was your understanding of the proposed structure of the Hotel Quarantine Program and the role that the Department would play in it?**

26. From my discussion with Mr Eccles that day, I understood that DJPR had lead responsibility for delivering the Program, and that I needed to identify each of the building blocks that might be needed to implement the Program. Mr Eccles did not give me instructions as to how the Program should be implemented; he gave me the problem and asked me to find a solution. As I describe later in my statement (see in particular question 44 below), by the following day, DJPR's role had changed markedly: from a lead role to a confined support

role. As at 27 March 2020, however, I understood that DJPR would be playing a lead role in the Program.

27. Even while DJPR was leading delivery, I knew that there would be other expert areas in Government that would take responsibility for other components of the Program, but I understood that it would be DJPR's role to bring it all together. For example, I never envisaged that DJPR would be responsible for health, infection control or for security, as the expertise for that lay elsewhere: namely, with DHHS and Victoria Police, respectively.
28. After speaking with Mr Eccles, I spoke to Mr Menon Executive Director, DJPR in relation to hotel arrangements (as Mr Menon was already performing that role in relation to a pre-existing Government accommodation program, Health for Heroes), Kym Peake, Secretary DHHS and Paul Younnis, Secretary, Department of Transport (**DoT**). I subsequently contacted Graeme Ashton, then Chief Commissioner of Victoria Police, in relation to security matters, as set out below.
29. I was putting in place the building blocks to build the operation, albeit in a regulatory vacuum. All of this preparatory work occurred before there was any direction or order in the Program from a legal or regulatory perspective.
30. My aim was to have prepared as many deployable resources as possible, knowing that we would need to calibrate arrangements to whatever legal and operational framework ultimately was introduced.
31. I then met with Rob Holland, Cameron Nolan and Claire Febey, all Executive Directors within DJPR. This meeting occurred at around 12.30 pm on 27 March 2020. I have since been provided with a copy of the notes that I am informed that Ms Febey made in the meeting. I have reviewed these notes and they accurately reflect matters discussed. Now shown to me and marked **SP-2** is a copy of Ms. Febey's notes of 27 March 2020, [DJP.202.002.0001](#).
32. Ms Febey was the DJPR lead for the Program from 27 March 2020 until 14 April 2020 (after which time Rachael May, Executive Director, took over the lead role for DJPR). In this role, both Ms Febey and Ms May reported directly to me.
33. Our discussion at the time as to the many unknowns that still existed in relation to the Program is reflected in Ms Febey's notes.
34. Whatever the quarantine requirements were to be, I knew that we would need a regime that ensured that people adhered to those requirements. That is why I messaged Mr Ashton early in the afternoon of 27 March 2020; on the understanding that Victoria Police would lead the security operation. Mr Ashton messaged me back to say that Ms Febey should call



Deputy Commissioner Rick Nugent. Mr Ashton gave me the Deputy Commissioner's phone number to pass on to Ms Febey, which I did.

35. Later that afternoon, at around 4.15 pm, the State Control Centre convened its first planning meeting for the hotel quarantine program (**First SCC Meeting**), attended by representatives of relevant Victorian Government agencies (including Departments) and the Australian Defence Force (**ADF**).
36. I did not attend the First SCC Meeting. DJPR was represented by Ms Febey and Mr Holland, who kept me informed of matters arising.
37. DJPR went into the First SCC Meeting not knowing whether, and to what extent, private security would be required at hotels, and emerged with a direction: to engage private security to act as frontline security at quarantine hotels.
38. In preparing for this Inquiry I have been provided a copy of the recording of the First SCC Meeting, which I have now listened to. The recording was consistent with the reports Mr Holland and Ms Febey had provided to me at the time, including that Victoria Police, as expected, took leadership on State security issues.
39. Following the First SCC Meeting, I called a Skype meeting to debrief with key members of the organisational team from both DJPR and DoT.
40. I attended this Skype meeting, which took place at around 7:30 pm on 27 March 2020, together with key members of my team, and Mr Younnis (DoT). I did not take notes, but I have subsequently been provided with a copy of notes I am informed were made by Ms Febey. I have reviewed these notes and they appear to accurately reflect the matters discussed.
- Now shown to me and marked **SP-3** is a copy of Ms Febey's notes, 7.33 pm 27 March 2020, [DJP.202.002.0005](#).
41. It remained my understanding throughout 27 March 2020 – including after the meetings that day - that DJPR would have a key lead role in delivering the Program.
42. Given the public health risks and context of the Program –complex matters in which DJPR had no expertise – DJPR understood that DHHS would have a critical role to play, and that there was an urgent need to map roles and responsibilities with DHHS. This is reflected in **SP-3** at .0005.
43. At around 12.00 am on 28 March, Mr Holland sent me the initial Journey Map and Action Plan in relation to the Program, which had been prepared by the DJPR team. These documents were predicated on our understanding at the time, that DJPR would lead the operation. This document set out what we understood to be the chain of custody for passengers required to quarantine from airport through to hotel – including:



- (a) the proposed process;
- (b) actions that needed to occur in the following 24 hours, 24-48 hours and beyond;
- (c) outstanding issues requiring resolution;
- (d) that a dry run with all agencies and departments (VicPol, SCC, ADF, Border Force, Airport, Skybus, DHHS and DoT) was to occur at 3 pm on 28 March, with agreement to be reached on process, roles and responsibilities and separate operational plans to be drawn up;<sup>1</sup>
- (e) queries as to who needed PPE<sup>2</sup> (concierge staff<sup>3</sup>, hotel staff<sup>4</sup>);
- (f) noting that DHHS was ultimately responsible for health and wellbeing, with accountabilities, role and responsibilities of DHHS to be resolved in the next 24 hours;<sup>5</sup>
- (g) noting that many open questions remained in relation to security/ the chain of custody. This was a consequence of the fact that the legal framework was not in place at this time, which meant that we lacked any meaningful understanding as to how the detention framework was going to operate. In relation to hotel security the proposed process was stated as follows:
  - At the hotel – VicPol hand over to hotel security + escalation through VicPol as required
  - DHHS authorised officer to command and liaise with hotel security staff
  - Security for people to remain in rooms and supervise during recreation

44. Now shown to me and marked **SP-4** is a copy of the Journey Map and Action Plan [DJP.101.002.6348](#) and appending email, [DJP.101.002.6347](#).

**NTP Question 13: On or about 27 March 2020, were any, and if so, what tasks regarding the Hotel Quarantine Program allocated to the Department, and by whom?**

45. As explained above, it was my understanding at this time that DJPR was to lead delivery of the Program with the assistance of other departments and agencies, which would have leadership responsibilities in their areas of expertise. DJPR was managing the process but relied on, and actively sought out, the input of others, consistent with the Journey Map and Action Plan.

<sup>1</sup> [DJP.101.002.6348](#).

<sup>2</sup> [DJP.101.002.6348](#) at .6352.

<sup>3</sup> [DJP.101.002.6348](#) at .6350.

<sup>4</sup> [DJP.101.002.6348](#) at .6352.

<sup>5</sup> [DJP.101.002.6348](#) at .6353.



51. In the late morning of 28 March 2020, Mr Menon sent me an email requesting my authorisation to permit Mr Menon and Donna Findlay, Director, to execute contracts with hotels, and to send those hotels emails attaching the relevant contracts.<sup>12</sup> The authorisation that was sought from me was to enable each of those individuals to:
- (a) send emails on my behalf to the hotels listed in the attached spreadsheet confirming that the department wishes to book the number of rooms identified in the attached spreadsheet, at the agreed rates (as specified in the spreadsheet) subject to the department's terms and conditions;
  - (b) agree/sign the contract and any associated documents to confirm the above bookings; and
  - (c) make payments in accordance with these arrangements.
52. Attached to Mr Menon's email were the draft contractual documents and a spreadsheet setting out the various hotels and their rates. At 2.42 pm on the same day, I sent an email to Mr Menon conveying my approval for the authorisation he sought.<sup>13</sup>
53. Consistent with the authority I provided, Mr Menon executed relevant accommodation contracts with hotels on behalf of DJPR for the purposes of the Program.<sup>14</sup>
54. Also relevant to the issue of authority to enter into contracts with hotels, is the question of who determined which hotel would be stood up (that is, engaged) and when.
55. Initially, DJPR understood that it was to lead the provisioning of hotels, including by determining which sites to stand up and when, in consultation with relevant persons, including Victoria Police and DHHS. It was by this process that the first hotels had been stood up.
56. I am aware, and had been informed at the time that, on 29 March 2020, a meeting was held, attended by representatives of DJPR and DHHS, at which the roles of DHHS and DJPR were discussed in relation to the provisioning of hotels in the Program. Following the meeting, I was informed by DHHS that it was to be responsible for temporary accommodation, which services it would deliver, coordinated by the State Controller Health; and that DHHS would have responsibility for both demand management and inventory management so it could activate the required social supports and/or the health response.

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<sup>12</sup> [DJP.101.001.7180](#) attaching [DJP.101.001.7182](#); [DJP.101.001.7184](#); [DJP.101.001.7189](#).

<sup>13</sup> [DJP.101.004.5136](#).

<sup>14</sup> [DJP.102.009.3461](#).

57. On 3 April 2020, the Acting Manager, Emergency Operations, DHHS sent an email to Ms Febey concerning DJPR's proposal at the time to stand up the ParkRoyal Hotel.<sup>15</sup> The email stated that DHHS was:

*Keen to understand:*

- *if there [was] any potential to instead use another hotel in the CBD/Crown Precinct*
- *whether we can obtain visibility to the full list of hotels contracted by DJPR for the COVID response to support planning*

58. Ms Febey responded by stating that it would be "extremely challenging" to change from the proposed use of the ParkRoyal Hotel at that point in time and strongly recommended that the ParkRoyal continue to be prepared for use in the Program.<sup>16</sup> Following this exchange, Ms Febey provided DHHS with a list of hotels that were being proposed for use in the Program after the ParkRoyal Hotel.<sup>17</sup>

59. On 4 April 2020, Ms Febey then asked the State Controller, Health to convene a meeting with DHHS to, among other things, gain clarity as to the responsibilities of DHHS and DJPR respectively in respect of site assessment and selection for both the hotel quarantine program, and for broader hotel use.<sup>18</sup>

60. On 5 April 2020, prior to this meeting taking place, the State Controller, Health, provided confirmation by email that the ParkRoyal could be stood up, but set out a list of hotels which he requested be considered to provide accommodation.<sup>19</sup> Attached to that email was a draft chart which "maps out roles and responsibilities of both DJPR and DHHS in the identification, procurement and use of hotel accommodation" and which was said to capture "higher level activities and decision making".

61. The draft chart attached to that email specified that DHHS would be responsible for assessing the suitability of a hotel for the provision of temporary accommodation based on information provided by DJPR and, if deemed suitable by DHHS, DJPR would be responsible for contracting that hotel.<sup>20</sup>

62. The State Controller, Health, forwarded the correspondence with Ms Febey to the DHHS COVID-19 Accommodation Commander, and the Deputy State Controller. Ms Febey noted to the DHHS COVID-19 Accommodation Commander that she would forward her a separate email with the list of hotels with which DJPR held contracts, along with copies of those contracts.

<sup>15</sup> [DJP.102.001.8810 at 0.8811.](#)

<sup>16</sup> [DJP.102.001.8810.](#)

<sup>17</sup> [DJP.102.008.9204.](#)

<sup>18</sup> [DJP.102.009.3461.](#)

<sup>19</sup> [DJP.103.001.4944](#) attaching [DJP.103.001.4947.](#)

<sup>20</sup> [DJP.103.001.4947.](#)

63. Following the meeting with the State Control Centre on 6 April 2020 that Ms Febey had requested, Ms Febey informed me that it had been determined that DHHS would solely be responsible for determining which hotels would be stood up in the Program and when.

*The procurement and authorisation of private security contracts*

64. On 27 March 2020, when we first began planning for the Program, we did not know how the Program would be structured, what restrictions would apply to persons quarantined, how those restrictions would be enforced or by whom. Nevertheless, planning needed to commence.
65. Obviously, I knew that we would need hotels. As part of contingency planning, DJPR had arranged accommodation options in the city, metropolitan Melbourne, as well as regional areas. Ultimately, only city hotels were used. I understand that this was because DHHS wanted hotels to be close to testing centres and hospitals, and Victoria Police wanted hotels clustered together in the city from a security perspective.
66. Shortly after I had been informed of the need to establish the Program, at around midday 27 March 2020, I called Mr Menon and asked him to find out which hotels were available to provide accommodation in the Program and what their capacity was to provide meals, security and cleaning services. At that stage we did not know if private security would be required and for what purpose, nor how cleaning would need to be carried out. We were thinking about what could be needed and how we would plan for what might be needed. DJPR was not the decision maker in relation to these matters, but we needed to be ready to implement once the decisions were made.
67. Accordingly, it was only once it had been communicated to DJPR in the First SCC Meeting that private security was to be used to assist in the containment effort, that DJPR commenced that process of engaging private security.
68. Given DJPR's role in the Program at the time, my team (including myself) understood it to be DJPR's role to engage security to implement the decision that had been made. Having now listened to the recording of the First SCC Meeting, that appears also to have been the assumption of the Chair of the State Control Centre:

- |          |  |
|----------|--|
| Mr Crisp | <i>So just curious as to who is going to take responsibility around contracting private security, is that DJPR?</i>  |
| Ms Febey | <i>Yes, I understand that's for us to take up so I'd like to have a follow up conversation with Mick [Grainger, Victoria Police] and just understand a little bit more about how he sees that best working and then we're happy to make sure that the right arrangements are made both in hotels and also exploring what</i> |



*arrangements might be for transport as well.*

69. Late on Friday, 27 March 2020, Katrina Currie, Executive Director, was nominated as the person responsible for identifying private security firms for the purposes of the Program.<sup>21</sup>
70. At this stage, because the framework for the enforcement function had not been determined, there was a lack of clarity as to how responsibilities would be delineated, including as between Victoria Police and Authorised Officers (who had powers to enforce the orders of the Chief Health Officer in accordance with applicable legislation) in the performance of the enforcement function, and how the various bodies/individuals would interact with each other.
71. It was in this context that Cameron Nolan, Executive Director, Priority Projects Unit, DJPR, sent an email to the DJPR team, including myself, setting out his thoughts as to the “ideal” operating model for the Program:<sup>22</sup>

*Ideal model in my mind would be a supply of security staff from Katrina/David/Alex who work under the direction of an authorised officer in DHHS. This DHHS team would induct the security guards and provide on-call advice about what to do in certain situations and determine if any incidents should be escalated to the authorised officer and/or VicPol.*

72. Late on 27 March 2020, and immediately upon being asked to identify private security firms for the purposes of the Program, Ms Currie contacted Unified Security Pty Ltd (**Unified**) and Wilson Security Pty Ltd (**Wilson**) by email.<sup>23</sup> I understand from Ms Currie’s emails that Ms Currie approached Unified and Wilson because they had been recommended to her by members of the DJPR employer engagement team, from among those security companies with which the team had previously worked.<sup>24</sup> The employer engagement team sits within Jobs Victoria and works to identify employment opportunities for Jobs Victoria clients. As part of this work, the employer engagement team engages with, and accordingly has knowledge of, a diverse range of small and large employers across Victoria, including security firm employers.
73. Ms Currie then informed Alex Kamenev and David Clements, both Deputy Secretaries of DJPR, that she had emailed Unified and Wilson.<sup>25</sup>
74. At 6.52 am on 28 March 2020, Unified responded to Ms Currie’s email and shortly afterwards, at around 7.00 am discussions with Unified commenced as to Unified’s capability and capacity to deliver servicing at two hotel sites by mid-afternoon that same

<sup>21</sup> [DJP.101.002.1076](#).

<sup>22</sup> [DJP.101.002.1076](#).

<sup>23</sup> [DJP.108.004.5000](#); [DJP.108.004.4999](#).

<sup>24</sup> [DJP.156.001.8404](#).

<sup>25</sup> [DJP.105.007.7884](#).

day.<sup>26</sup> At 8.00 am on 28 March 2020, Wilson responded to Ms Currie's email, and discussions with Wilson commenced at 11.00 am on the same day.<sup>27</sup>

75. At approximately 11.25 am on Saturday, 28 March 2020, I attended a meeting with Mr Kamenev, Ms Currie and Mr Clements, during which, among other things, we discussed the procurement of security.<sup>28</sup> I was informed that DJPR had identified a licensed security provider that had staff who were trained, could supply PPE, and was ready to allocate 20 staff to the Program immediately, and a further 100 staff over the next few days (Unified), along with another security provider that was also ready to stand up security (Wilson).<sup>29</sup> I agreed that DJPR should proceed with procuring private security services from these firms and that both hotels and the private security firms would be told that they were required to work with each other.<sup>30</sup>
76. In the afternoon of 28 March 2020, as part of the dry-run of the process from airport to hotel, DJPR attended the first hotel to be utilised in the Program, together with private security and Victoria Police. I understand, and understood at the time, that Victoria Police worked together with private security on the security arrangements that would apply within the hotels. I understand that the Board of Inquiry will be seeking a statement from Gonul Serbest, CEO of Global Victoria, DJPR, who is best placed to speak to this issue.
77. Also in the afternoon of 28 March 2020 Wilson provided Ms Currie with an indication of its capacity to provide security guards.<sup>31</sup> Late on 28 March 2020, Unified also provided Ms Currie with an indication of the staffing levels it proposed to deploy at the Crown Promenade and Crown Metropal for the next day.<sup>32</sup>
78. Wilson conducted a site visit at the Crowne Plaza on the evening of Sunday, 29 March 2020.<sup>33</sup> It was anticipated at this stage that Wilson would commence providing security services at the Crowne Plaza at 3.00 pm on Monday, 30 March 2020.<sup>34</sup> I am informed that early in the morning of 30 March 2020 Wilson provided its commercial offer for the provision of private security services.<sup>35</sup> Wilson sought authorisation to proceed on this basis.<sup>36</sup>
79. Wilson is a member of the Panel for the State Purchase Contract. Unified is not a Panel Member.
80. It is my understanding that:

<sup>26</sup> [DJP.108.005.5135](#).

<sup>27</sup> [DJP.108.005.5135](#).

<sup>28</sup> [DJP.201.002.0002](#).

<sup>29</sup> [DJP.201.002.0002](#).

<sup>30</sup> [DJP.201.002.0002](#).

<sup>31</sup> [DJP.104.008.6756](#).

<sup>32</sup> [DJP.105.007.4370](#).

<sup>33</sup> [DJP.106.004.3727](#).

<sup>34</sup> [DJP.106.004.3727](#).

<sup>35</sup> [DJP.106.004.3686](#) attaching [DJP.106.004.3688](#).

<sup>36</sup> [DJP.106.004.3727](#).



- (a) by the time the issue of panel firms was raised with the relevant DJPR staff, Unified had already been providing security services to the Program;
- (b) importantly, the feedback about Unified's performance in the Program was positive - in contrast with the feedback DJPR had received in relation to the panel provider, the services of which were subsequently terminated;
- (c) DJPR was entitled, by reason of the state of emergency, to adopt a streamlined and flexible procurement process to facilitate an immediate response to the emergency;<sup>37</sup>
- (d) accordingly, and in light of the escalating numbers of international arrivals, it was determined by the contracting team to continue using Unified's services, once it had received clarification that this was allowable under the Government's procurement policy.
81. It was in this context that I understand that DJPR's legal team was instructed – by Mr Clements - to prepare a Standing Security Contract for DJPR to engage Wilson, and to prepare a stand-alone contract for DJPR to engage Unified.
82. The contract between DJPR and Unified was finalised and executed by Mr Rankin signing my name to the contract with my authority.<sup>38</sup> The contract between DJPR and Wilson was finalised and executed by me signing the contract in One Note. This was evidence of my authority for Mr Rankin to apply my electronic signature to the execution copy.<sup>39</sup> The contract between DJPR and MSS Security Pty Ltd (**MSS**) was also finalised and executed by me signing the contract in One Note, and was evidence of my authority for Mr Rankin to apply my electronic signature to the execution copy.<sup>40</sup>
83. In terms of authorisation of the engagement of MSS, I understand that MSS was engaged after the matter of the procurement panel had been raised with the contracting team,<sup>41</sup> and on the advice of the procurement teams of DJPR and Department of Treasury and Finance to use existing state purchase documentation.

## OPERATION SOTERIA

**NTP Question 42: When did you learn that the Hotel Quarantine Program would be run as Operation Soteria under the auspices of Emergency Management Victoria and with the Department of Health and Human Services as the control agency?**

<sup>37</sup> [DJP.006.002.0001](#).  
<sup>38</sup> [DJP.107.006.4577](#).  
<sup>39</sup> [DJP.110.004.1616](#).  
<sup>40</sup> [DJP.110.002.6650](#).  
<sup>41</sup> [DJP.110.001.3058](#).

84. At around 9.00 am on 28 March 2020, Mr Eccles informed me by phone that Mr Crisp had responsibility for co-ordinating the Program, and that DHHS was the control agency.
85. This was also consistent with:
- (a) the role assumed by Mr Crisp and the State Control Centre in organising and leading the First SCC Meeting;
  - (b) a preliminary operational plan that had been disseminated by the State Control Centre, through DHHS, the night before.

Now shown to me and marked **SP-6** is copy of this plan, [DJP.113.008.5598](#)

At around 6.15 pm on 28 March, a further planning meeting was held, also convened by Mr Crisp (Third SCC Meeting), after which the SCC circulated the approved Operations Plan (SP-5).

**NTP Question 43: What reasons for the change were given to the Department?**

86. I do not recall being given any specific reasons for the change.

**NTP Question 44: How, if at all, did that change of structure alter the Department's role in the Hotel Quarantine Program?**

87. Following clarification of DJPR's role under the new structure, DJPR went from preparing as many things as possible in relation to the Program, to a confined support role. Our focus was narrowed, and we gained clarity around control and interface. On 28 March 2020, prior to the commencement of the Program, Mr Crisp instructed me to handover to him the work that we had done in the Program to date, for him to pass on to DHHS.

Now shown to me and marked **SP-7** is a copy of an email from Ms Febey (DJPR) to Mr Hogan (DHHS) in relation to the handover of management of the arrival/concierge process, [DJP.101.002.4053](#).

88. Initially I thought that, even in the new structure, DJPR had retained a management role in respect of the operational environment of the hotels. However, not long afterwards, Mr Crisp asked me to handover hotels as well.
89. That afternoon, the State Controller, Health sent an email to Ms Febey in the following terms:

*Dear Claire,*

*As you are aware The Department of Health and Human Services (DHHS) is the Control Agency for the COVID-19 Pandemic, and at this time I am the State Controller – Health appointed by the Control Agency under the Emergency Management Act. Prof Brett Sutton is the Chief Health Officer leading the Public Health response under the Public Health and Wellbeing Act.*

*As the Control Agency, DHHS has overall responsibility for all activities undertaken in response to this emergency. The response to the direction for all passengers returning to Victoria after 11.59 p.m. 28/03/20 requiring to be quarantined in approved accommodation is being led by Dep State Controller Chris Eagle as "Operation Soteria".*

*As discussed today I am extremely grateful to the support DJPR have provided to date, your team have demonstrated flexibility, good planning and expertise which has contributed to making the first day as successful as it could be. I also look forward to your team continuing to support Operation Soteria.*

*It is important however that we clarify some roles and responsibilities and work on a transition plan over the next day or so. Chris Eagle will work with you on this. Many of the roles DJPR provided in the planning, and operationally today will need to transition to the Deputy State Controller and DHHS as the Control Agency. I would like to clarify that, at a minimum, I would request DJPR continue to provide the valuable work in procurement of hotels and the services required to support people under the direction to detain, I don't underestimate the complexity of this task in the current environment. It will be vital that DHHS make the operational decisions in regards to which hotels we utilise and when, along with other decisions which require a risk assessment by the Chief Health Officer or delegated Authorised Officer.*

*It was a pleasure to discuss this with you today and I sense the value of working closely on this for both agencies.*

*Please contact me again if I can assist or if a resolution cannot be reached during the handover process.*

*Regards*

*Jason Helps*

*Deputy Director Emergency Operations and Capability | Emergency Management Branch*

Now shown to me and marked **SP-8** is a copy of Mr Helps' email to Ms Febey dated 29 March 2020, also including Ms Febey's response, [DJP.101.004.4571](#).

90. Ms Febey's response was as follows:

*Jason, Chris*

*Many thanks to you both for our discussions today. We're grateful for the clarity on your expectations regarding roles and responsibilities.*

*As agreed, we will continue with everything as is planned for the next 24 hours. This includes decisions on the placement of arrivals in hotels, engaging contractors to activate our next site (Crowne Plaza) and decisions about the daily and packages of support provided to people in quarantine.*

*We will escalate any issue to you that relates to the direction, for example the need to determine rules regarding recreation, and provide you with an update later tonight on arrangements for tomorrow.*

*Tomorrow we will commence planning with you and the team to clarify roles and responsibilities in the first instance, and then an orderly transition to ongoing arrangements.*

*Many thanks*

*Claire*

91. DJPR then withdrew from the role it had played in the Program up to that time, consistent with its role as a support agency as understood in the emergency management context, and subject to the control and direction of DHHS.

**NTP Question 45: Documents available to the Board indicate that the Department had an onsite role at each hotel where travellers were quarantined and that it received and acted on complaints and concerns regarding hotel and security service provision. Was this role anticipated by the Department when it established the Security Contracts?**

92. As the procuring agency, it was anticipated that DJPR would act as a conduit with hotel and security providers, raising issues and complaints of which DJPR was made aware by on-site staff, not limited to the staff of DJPR itself, and ensuring that contractors resolved the issues raised.
93. DJPR had these same responsibilities in respect of the Rydges operation, even though the on-site arrangements substantially differed at that hotel - specifically, due to this hotel's designation as a "red hotel". That is, a high risk hotel, housing large numbers of COVID-positive passengers.
94. It was determined at the time that DJPR would not provide the same service model at Rydges as it did at other hotels, as DJPR's ground staff would not be present on-site at Rydges to support DHHS in delivering the Program.
95. A separate and additional operations plan applied specifically to Rydges, the approved version of which was circulated by the SCC on 11 April 2020 (**Rydges Plan**).

96. Many aspects of the Rydges Plan – including the governance arrangements and health responsibilities on page 3 – were as applied across the Program as a whole. The role of DJPR was set out on pages 4 and 7, respectively, as follows:

*DJPR has responsibility for sourcing appropriate accommodation contracts to support mandatory passenger isolation for 14 days upon returning from an international location. They will support the allocation of passengers to hotels and provide (through contractors) concierge services at the hotel – including ensuring appropriate support is provided for passenger material and food requirements.*

....

*DJPR will not have a physical presence at Rydges.*

*DHHS will support passenger check-in at Rydges, including manifest reconciliation.*

97. Although not stated, it was understood that DJPR would continue to manage security at Rydges, which included the provisioning of security and liaising with contractors about issues raised in relation to their staff.

Now shown to me and marked **SP-9** is a copy of the Rydges Plan, [DJP.102.007.4062](#) and appending email, [DJP.102.007.4063](#).

**NTP Question 46: During the months of;**

- (a) **April 2020**
- (b) **May 2020**
- (c) **June 2020**
- (d) **July 2020**

**did the Department become aware of information or allegations that private security contractors or their subcontractors were performing their duties unsatisfactorily?**

98. I have informed myself in preparing for this statement and I understand that the DJPR did become aware of information and allegations that private security contractors or their subcontractors were performing their duties unsatisfactorily during each of the months of April, May, June and July 2020.

**NTP Question 47: If yes, to the previous question, provide details of that information or those allegations for each month referenced, and detail what actions, if any, your**

**Department took in response.**

99. I understand that Rachaele May developed a log called the security incidents register which recorded the information and allegations that DJPR received and the actions taken by DJPR in response.
100. The documents in support of my understanding are a copy of the security incidents register as at 14 July 2020<sup>42</sup> and earlier versions of the register that were circulated amongst members of the DJPR<sup>43</sup>.

**NTP Question 48: Was your Department instructed at some point to cease using private security contractors?**

101. At no stage while it was involved in the Program was DJPR instructed to cease using private security guards. The security contracts expired on 30 June 2020.

**NTP Question 49: If so, from which person or body did that instruction come and when did that occur?**

102. Not applicable, question 48 above.

**NTP Question 50: What reason was given for ceasing to use private security contractors?**

103. Not applicable, see question 48 above.

**SECURITY CONTRACTS****NTP Question 16: With which companies did the Department enter contracts for the provision of security services in relation to the Hotel Quarantine Program (Security Contracts)?**

104. DJPR entered into contracts for the provision of security services with:

**(a) Unified.**

Now shown to me and marked **SP-10** is a copy of the Agreement for Professional Services with Unified, [DJP.105.003.0793](#).

Now shown to me and marked **SP-11** is a copy of the Schedules to that Agreement, [DJP.105.003.0817](#).

**(b) Wilson.**

<sup>42</sup> [DJP.110.001.7091](#).

<sup>43</sup> See for example, [DJP.110.001.2428](#), [DJP.110.001.2429](#), [DJP.110.001.2430](#); [DJP.111.002.1385](#), [DJP.111.002.1387](#); [DJP.111.002.1971](#), [DJP.111.002.1972](#), [DJP.111.002.1973](#); [DJP.110.003.7389](#), [DJP.110.003.7391](#), [DJP.110.003.7392](#), [DJP.110.003.7397](#), [DJP.110.003.7399](#), [DJP.110.003.7403](#), [DJP.110.003.7407](#).

Now shown to me and marked **SP-12** is a copy of the Purchase Order Contract for the Provision of Security Services with Wilson, [DJP.105.003.1296](#).

(c) MSS Security Pty Ltd (MSS).

Now shown to me and marked **SP-13** is a copy of the Purchase Order Contract for the Provision of Security Services with MSS, [DJP.105.003.1020](#).

**NTP Question 17: How were those security companies identified and chosen?**

105. Unified and Wilson were identified and engaged as described above.
106. MSS was contacted by DJPR on or around 29 March 2020.<sup>44</sup> MSS had also been identified by the employer engagement team as a potential provider, and were contacted on 29 March 2020, when it had become clear that further resources would be required, including a potential regional footprint.

**NTP Question 18: Which of those companies are Panel members of the State Purchase Contract for the Provision of Security Services (State Purchase Contract)?**

107. Wilson and MSS were panel members of the State Purchase Contract for the Provision of Security Services.

**NTP Question 19: Which if any of those companies were not Panel Members of the State Purchase Contract?**

108. Unified was not a panel member of the State Purchase Contract for the Provision of Security Services.

**Question 29: State the reason for any company referred to in your previous answer being chosen.**

109. As set out above, from my review of the correspondence written at the time, Unified was selected as it had been recommended by the DJPR employer engagement team from among the pool of security providers with which they had worked.
110. Also as noted above, following the engagement of Unified, the desirability of contracting with panel members was brought to the attention of DJPR's contracting team. After considering this issue, a decision was taken by the contracting team to continue to engage Unified, particularly because of:

<sup>44</sup> [DJP.105.002.7610](#).



- (a) the positive feedback provided by on-site staff as to Unified's performance in the Program (in contrast with the feedback received in relation to the other security provider, which was a panel member and whose engagement was terminated shortly afterwards);
- (b) the escalation in the number of international arrivals;
- (c) the understanding that DJPR was not limited to engaging providers on the procurement panel in the circumstances.

**NTP Question 21: For what purpose does the State have Panel members for the State Purchase Contract?**

- 111. State Purchase Contracts and approved panel members are used by the State as a mechanism to streamline the procurement of goods and services. This system enables the State to enter contracts with pre-approved panel providers that are subject to standardised terms and conditions as well as pre-agreed rates.
- 112. All State Purchase Contracts are initially entered into by a lead agency, for example the Department of Treasury and Finance, or the Department of Justice and Community Safety. That lead agency negotiates the initial standard terms and conditions which become part of the State Purchase Contract, and also determines which Departments are required to purchase from the State Contract Provider. DJPR is not a lead agency in relation to any State Purchase Contracts.
- 113. When DJPR procures goods or services from a State Purchase Contract provider, there is a direct letter of engagement between DJPR and that provider, but the terms and conditions will reflect those set out in the State Purchase Contract.
- 114. Having access to contractors with these conditions already in place can save a significant amount of time, as it avoids the need to re-negotiate these conditions each time a contract is entered into with a provider. State Purchase Contracts are particularly useful for the procurement of goods and services that are in high demand across multiple Departments.

**NTP Question 22: At which hotel(s) and on what date(s), did each security company provide security services in relation to the Hotel Quarantine Program?**

- 115. The DJPR Security Contract Manager has provided me with the following information:

**Unified Security**

	<b>Commenced</b>	<b>Completed</b>	<b>Notes</b>
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Crown Promenade	29-Mar	End of Contract	Closed 14 to 17-Apr
Crown Metropol	29-Mar	End of Contract	
Rydges	12-Apr	End of Contract	
Novotel on Collins	12-Apr	End of Contract	Closed 30-Apr to 2-May Closed 20-May to 23-May Closed 27-May to 30-May
Travelodge Southbank	13-Apr	15-May	
Novotel South Wharf	17-Apr	18-Jun	Closed 2-May to 8-May
Crowne Plaza	19-Apr	4-May	
Marriott Exhibition Street	20-Apr	End of Contract	Closed 5-May to 15-May Closed 31-May
Holiday Inn Flinders Lane	20-Apr	End of Contract	Closed 8-May to 20-May
Pan Pacific	26-Apr	End of Contract	
Comfort Inn Portland	19-May 21-Jun	21-May 28-Jun	Used for short stints to quarantine ship workers
Grand Chancellor	24-May	End of Contract	Closed 8-Jun to 10-Jun

### Wilson Security

	Commenced	Completed	Notes
Crowne Plaza	30-Mar	17-Apr	
Pan Pacific	3-Apr	23-Apr	
Mercure Welcome	5-Apr	End of Contract	Closed 17-May to 26-May
Pullman	28-May	End of Contract	

### MSS Security

	Commenced	Completed	Notes
ParkRoyal	6-Apr	End of Contract	Closed 26-Apr to 28-Apr Closed 14-May to 19-May
Sheraton Four Points	7-Apr	3-Jul	Closed 26-Apr
Holiday Inn Airport	8-Apr	End of Contract	
Travelodge Docklands	10-Apr	25-Apr	
Stamford Plaza	30-Apr	2-Jul	

**NTP Question 23: At the time of entering the Security Contracts, what was the Department's understanding of the duties to be performed by the private security companies at the hotels in question? Your answer should address specific duties, not generalities.**

116. Initially, security contractors were engaged informally; not pursuant to detailed written service contracts.
117. At the time of engagement in the first weekend of the Program, DJPR understood that private security would be playing a role at the hotels as frontline security, though there remained uncertainty as to the scope of their role and how they would carry it out. I understand that this was an issue on which Ms Febey sought immediate clarification from Victoria Police at the First SCC Meeting, when first informed that private security was to be utilised.
118. I refer to the Journey Map and Action Plan (**SP-4**<sup>45</sup>) that my team prepared and provided me at around 12.00 am on 28 March 2020. In that document, the role of security at hotels is stated as follows:
- *At the hotel – VicPol hand over to hotel security + escalation through VicPol as required*
  - *DHHS authorised officer to command and liaise with hotel security staff*
  - *Security for people to remain in rooms and supervise during recreation*

<sup>45</sup> See in particular [DJP.101.002.6348](#) at 6354.

119. At this point in time, the extent to which people would be confined to their rooms, and would be able to access outdoor areas, remained unclear. Once I understood the level of containment that was proposed, which was early in the afternoon of 28 March 2020, I was unsure how this could be achieved by Authorised Officers, as I understood that DHHS had a shortage of Authorised Officers, who also had other roles to play. I raised this issue with DHHS, and was informed that the enforcement function would be performed by Victoria Police.
120. It was not my view or understanding that private security would be responsible for containment. That responsibility, as I understood it, sat with DHHS, but was managed on the ground by Victoria Police. I understood that Victoria Police would work with private security on security arrangements – such as where guards would be located within hotels and what they should do in the event of issues arising - and would retain oversight of the appropriateness of those arrangements, all subject to the direction of DHHS and the State Control Centre. Within that framework, I understood that the role of security was to assist in the containment effort.
121. DJPR's understanding as to the role of security was set out in a document prepared by Boston Consulting Group (engaged by DJPR, and working together with Ms Febey), which was circulated on 29 March 2020, entitled "Overview of roles and responsibilities". The document set out the duties of private security as follows:
- (a) situated at points of entry and on each floor of the hotel 24/7 to monitor and escalate issues;
  - (b) operate under the formal direction of DHHS with support of Victoria Police to assist enforcement of individual detention order – noting contracted security have no powers to act independently.

Now shown to me and marked **SP-14** is a copy of the document entitled "Overview of roles and responsibilities" circulated on 29 March 2020, [DJP.101.002.0670](#).

122. By that time, my understanding of the duties of security staff at hotels was as follows:
- (a) to support the Chief Health Officer, Authorised Officers and Victoria Police in the enforcement of the *Isolation (International Arrivals) Directions* on the premises of the hotel;
  - (b) to support Victoria Police, hotel staff and Victorian Government staff to register people under quarantine at the hotel and escort them to their rooms;
  - (c) to ensure people under quarantine do not leave their rooms for the period of their quarantine without the permission of an Authorised Officer. This includes a

security presence for: the front foyer, each floor on which guests are located, and at entry and exit points throughout the hotel;

- (d) to refer enquiries and concerns from people under quarantine to Authorised Officers and other support services being provided at the hotel;
  - (e) to ensure that any disputes are de-escalated without physical contact. If unable to de-escalate, the security staff were instructed to immediately escalate to Victoria Police.
123. The duties of security guards evolved over time, based on needs 'on the ground'. On 3 April 2020, a list of responsibilities was provided to Wilson "a little late I know, but we are all playing catch up", which was amended later that day to provide that security should not accept deliveries for guests from family or friends.
124. Now shown to me and marked **SP-15** is a copy of the email confirming that security guards would be responsible for meal delivery and collection, [DJP.102.002.5005](#).
125. Now shown to me and marked **SP-16** is a copy of the email stating that security guards were not to collect gifts or deliveries, [DJP.121.004.7616](#).
126. Now shown to me and marked **SP-17** is a copy of the email setting out the duties expected to be fulfilled by Wilson security staff, [DJP.110.004.1595](#).
127. As stated above, DJPR did not enter into formal written contracts with the Program's security contractors until after the Program was operational. At that point in time, I recall that the contracting team wanted the contractual arrangements to include a broad range of duties to ensure flexibility as the Program progressed.

**NTP Question 24: From where did the Department obtain its understanding as to the duties of security guards at Hotel Quarantine sites?**

128. As set out above, the development of DJPR's understanding of the duties of security guards at hotel quarantine sites commenced at the First SCC Meeting and evolved through the planning process and then as the Program progressed.
129. Initially, DJPR sought to better understand from DHHS the responsibilities of security contractors. A first draft of a document setting out the proposed responsibilities of security personnel was provided to Mr Nolan under cover of an email to which was in the following terms

*Quite a few parts of this are guess work until we receive further info from DHHS and there are a few highlighted areas which are also dependent on receiving that info.*

*The question of whether they can use other areas of the hotel and its facilities is a tricky one, as this may be the only way they're able to exercise for the 14 days if they're not allowed to go outside. But it may also pose too high a risk for the hotel if there are other guests staying there. I've left it open as an attachment with further info to be decided on a hotel by hotel basis.*

*Happy to make any changes you may have at this point, noting I'll incorporate info from DHHS as it comes through.*

*Also let me know if there's anything else you'd like me to do while we're waiting to receive that info.*

Now shown to me and marked **SP-18** is a copy of an email sent to Cameron Nolan, [DJP.106.003.2805](#) attaching [DJP.106.003.2806](#).

130. I understand that Mr Nolan made some changes to the document, and provided a further draft to DHHS for it to review, amend and circulate as described later in my statement.
131. As I understand matters, the expansion of security's on-site role was in accordance with the directions of DHHS. I understand the Inquiry has indicated that it will be seeking witness statements from Ms Febey and Ms May, who are best placed to speak to the detail of these arrangements and how they were enabled.

**NTP Question 25: State whether you or any member of your Department provided any written guidelines or instructions to the security firms engaged as to the role and duties of security guards at Hotel Quarantine sites?**

132. The written contracts with each of Wilson, MSS and Unified (at attachments **SP-10** to **SP-13**) set out instructions as to the role and duties of security guards at hotel sites (Part 2 of Schedule 3 of the MSS and Wilson contracts, clauses 6.2, 7.2 and Annexure A of the Unified contract) including:
- (a) in relation to the checking in and management of guests at hotel sites - ensuring that, prior to check-in, there are a sufficient number of security personnel placed on floors where guests will be staying, escorting guests to their rooms after the check in process is complete, maintaining a presence at the hotel site as well as checking incoming mail and parcels that have been approved by the DHHS Authorised Officer on site;
  - (b) in relation to the escalation of issues - escalation of any health concerns to the DHHS Authorised Officer or registered nurse on site, escalation of any complaints in relation to food to the hotel manager, and all other enquiries to the relevant DJPR site manager;
  - (c) the requirement that all security personnel wear appropriate personal protective equipment at all times whilst performing security services, and that these

personnel undergo appropriate safety training prior to commencement, including the Australian Government Department of Health COVID-19 infection control training module.

133. As noted above, DJPR informed Wilson in writing of the duties guards were to perform. Similar guidance was also provided to Unified<sup>46</sup> and MSS<sup>47</sup>.
134. As to PPE usage, I am aware from documents provided to me, that DJPR did circulate a PPE Advice to security contractors. The PPE Advice was created by DHHS and was circulated by DJPR at the request of DHHS (**DHHS June PPE Advice**). I understand that this followed an earlier version which DHHS had both drafted and itself circulated in early May (**DHHS May PPE Advice**).

Now shown to me and marked **SP-19** is a copy of the DHHS June PPE Advice, [DJP.102.003.0639](#) and appending email [DJP.102.003.0636](#).

Now shown to me and marked **SP-20** is a copy of the DHHS May PPE Advice, [DJP.103.005.8810](#) and appending email [DJP.103.005.8809](#) and, and the response of Unified Security, [DJP.103.002.7919](#).

135. I am also aware that, following the Second SCC Meeting, which took place at around 10.00am on Saturday 28 March 2020, Mr Nolan sent an email to DHHS seeking that it finalise guidance to security firms on the roles and responsibilities of guards. Mr Nolan's email was in the following terms:

*Thanks for the discussions today on briefing security guards on how they should assist authorised officers to enforce the CHO's directions inside the hotels.*

*As discussed, you are providing written material to these security contractors so they can properly understand what their role is in enforcing these directions and who to contact if something goes wrong. In case it's helpful, we have started on a two-page Q&A document that could be sent from DHHS to these contractors. If this information is not already covered off in the material you are preparing, we suggest using this doc as a base by filling out more information or correcting anything that we have got wrong.*

*Note we think there are some additional important public health questions that will need to be answered for each hotel in coordination with DHHS:*

- *Where can guests go in each hotel and when? Can they go to any communal or outside areas, or are they literally not meant to leave their*

<sup>46</sup> [DJP.110.003.9040](#).

<sup>47</sup> [DJP.110.003.9040](#).



*room at all? If some movement is permitted in the hotel, this will need to be specified and agreed for each hotel depending on its facilities and layout.*

- *Should hotels be amending their evacuation plans to incorporate social distancing measures? They will also need to make arrangements so that people don't enter the community if an evacuation is required, but this is more a security issue than a public health one.*

*So, to be clear – we are working on the basis that the attached document has been handed over to you to finish off (if it's not already covered in what you're preparing).*

Now shown to me and marked **SP-21** is a copy of the email sent by Mr Nolan on 28 March 2020, including attachment, [DJP.102.001.3600](#) attaching [DJP.102.001.3602](#), [DJP.102.001.3604](#) and [DJP.102.001.3605](#).

136. The following day, on 29 March, Braedan Hogan, DHHS emailed Ms Febey as follows:

*We are seeking to understand how the private security have been briefed and what there [sic] role is and the limits of this role.*

*We are considering the role of security, AO's [sic] and VicPol.*

137. Ms Febey referred Mr Hogan to Mr Nolan, who responded as follows:

*The attached document provides an overview of the instructions we have been giving verbally to our two contracted private security companies: Unified and Wilson. However, we see DJPR's role as leading the contracting of the security companies, whereas DHHS and SCC should be 'in command' of them.*

*To that end, we sent the attached email on Saturday with a suggested brief and Q&As for DHHS to complete and provide to the security companies. I suggest updating this document and formally providing it to the security managers at each site.*

*There are a few critical things that we have assumed and communicated, including that the private security companies should not physically engage with any people under quarantine and instead escalate to VicPol. But you should confirm those instructions with the security companies.*

Now shown to me and marked **SP-22** is a copy of Mr Nolan's email dated 30 March 2020, 5.27pm (including attachments) and associated email chain, [DJP.102.001.3598](#) attaching [DJP.102.001.3600](#), [DJP.102.001.3602](#), [DJP.102.001.3604](#), [DJP.102.001.3605](#).

138. I understand from both Ms Febey and Ms May that, subsequent to this, there were a number of escalations around briefing security guards – not only in relation to their role, but also

health and safety briefings. As noted above, I understand that the Inquiry has indicated that it will be seeking a statement from each of Ms Febey and Ms May, who are best placed to speak to the detail of this.

**NTP Question 26: At the time of negotiating and entering into the Security Contracts, what information was relied upon by the Department about the infectious nature of COVID-19 and the steps necessary to ensure that any infected passengers did not spread the infection to those involved in the Hotel Quarantine Program?**

139. As far as I can recall at the time, the DJPR team was aware that COVID-19 was highly infectious, but there was a lack of clarity around how the virus was transmitted and the steps that needed to be taken to mitigate risk. Although there was a general understanding of some mitigation measures – such as the need to socially distance - DJPR was otherwise very much reliant on the authority, knowledge and expertise of DHHS in implementing risk mitigation measures, and did so at DHHS's direction, which I understand was sought out on a number of occasions.
140. I understand that a process had been established at the airport (presumably by DHHS) to separate out people who were showing symptoms from those who were not.
141. As to the distribution of PPE on-site, I am aware that by Mr Holland's email to DHHS on 28 March 2020, 7.33 pm, DJPR sought that PPE be provided for staff at hotels as required. Mr Holland requested confirmation that this would occur from Mr Helps, who was responsible for the distribution of PPE.
- Now shown to me and marked **SP-23** is a copy of Mr Holland's email to Mr Helps in relation to PPE, and Mr Helps' response, [DJP.102.002.5011](#).
142. The following day, Mr Holland continued to press for PPE, having regard to "upcoming requirements for passengers, gov staff, hotel check-in staff and security".
- Now shown to me and marked **SP-24** is Mr Holland's follow-up email to DHHS in relation to PPE dated 29 March 2020, [DJP.102.002.5022](#)
143. I am informed by Ms Febey that during the first weeks of the Program, guidance was sought from DHHS on a number of issues relevant to COVID-19 risk mitigation, including cleaning processes, waste mitigation, PPE requirements, contractor and staff briefings. DJPR was not in a position to make decisions about risk mitigation measures and had no authority to do so. Again, Ms Febey is best placed to speak to the detail of these matters.

**NTP Question 27: Why were the Security Contracts drafted so as to place responsibility for training, and the provision and wearing of personal protective equipment, in relation to COVID-19, on the private security companies? In your**

**opinion, both then and now, was that appropriate?**

144. Although security contractors had contractual responsibility for COVID-19 training and the provision and wearing of PPE, this was by no means an abdication by the State of its responsibilities in relation to these matters.
145. It was my understanding at the time that there was a PPE shortage across Victoria and that it would assist the State if contractors supplied their own PPE. Unified was able to supply its own PPE, which was paid for by the State. Wilson, for example, did not have PPE available to it, and PPE was provided by DHHS. When PPE became more readily available, DHHS required provisioning to be reassessed.<sup>48</sup>
146. It was also my understanding that the expectation of DJPR – as communicated to DHHS – was that it would conduct briefings with security including in relation to COVID-19. Following the identification of the first COVID positive case in a quarantined person on 31 March 2020 - when DHHS advised that all persons in quarantine should be viewed as COVID positive – DJPR pressed for, and it was agreed, that DHHS would conduct twice daily briefings with staff.
147. In light of the above, I do consider that the contractual provisions in this regard were appropriate. Both the State and its contractors should have responsibility for ensuring mitigation of COVID-19 risks. I understand that the reason that the Commonwealth COVID-19 training was specified in the contract was because that was the only government- authorised training that existed at the time.

**NTP Question 28: In respect of the Security Contracts, did anyone on behalf of the State direct any of the security companies that their personnel needed to undertake any, and if so what, specific training in relation to risk management or infection control, other than the Australian Government Department of Health COVID-19 infection control training? If, so please give the details of:**

- (a) **who gave the direction(s);**
- (b) **to which security companies;**
- (c) **what training was directed to be undertaken; and**
- (d) **your understating of whether such training was undertaken and how that fact was conveyed, if at all, to the State.**

148. I am not aware of anyone on behalf of the State directing security contractors that their personnel needed to undertake training other than the Commonwealth COVID-19 training. As I say above, DJPR considered that the State was responsible for on-site briefings and

<sup>48</sup> [DJP.103.006.9206](#).

pressed DHHS for briefings to be implemented. Again, this is a matter about which Ms Febey and Ms May are best placed to speak in detail.

**NTP Question 29: Did the Department anticipate at the time of engaging the security contractors that each or any of them would engage subcontractors or labour hire firms to provide some or all of the personnel to render the security services under the contract? If so, what, if any, restrictions or conditions were placed on whether those private security companies or labour hire firms would be engaged?**

149. I do not recall the Department having considered, at the time security contractors were engaged, the possibility of them subcontracting their obligations.

**NTP Question 30: State which of the private security companies contracted by the Department subcontracted with which other private security providers.**

150. I understand from the contract engagement team that each of Wilson, MSS and Unified subcontracted with other private security providers. In preparing my witness statement, I have been informed that, between Wilson, MSS and Unified, the following private security providers were sub-contracted:

- (a) Nu Force Pty Ltd;
- (b) The Security Hub Pty Ltd;
- (c) GMS Staffing;
- (d) Australian Manav Group Pty Ltd;
- (e) Signal 88
- (f) Nexar
- (g) United Risk Management;
- (h) The Security Hub Pty Ltd;
- (i) Ultimate Protective Services Pty Ltd;
- (j) Australian Protection Group;
- (k) Acost;
- (l) Elite Protective Services;
- (m) HI8 Security; and
- (n) Sterling Pixxel Pty Ltd.

**NTP Question 31: State whether, to your knowledge, those security contractors who**

**engaged subcontractors did so in accordance with the terms of their Security Contracts.**

151. I understand from the contract engagement team that the private security providers contracted by DJPR were required to obtain DJPR's prior written approval before entering into a sub-contract with another private security provider. I am informed by the contract engagement team that this process was followed on some occasions but not on other occasions. I understand that the Board of Inquiry intends to seek a statement from a member of the contract engagement team, who would be better placed to speak to the details of the arrangements that were in place and what was known at the time.

**NTP Question 32: At the time each of the security contractors were engaged, what provision was made for the supervision and contract management by the Department?**

152. It is my understanding that:
- (a) security contractors were subject to the ultimate direction and responsibility of DHHS, as control agency, with Victoria Police to work together with security in relation to the performance of the enforcement function;
  - (b) at the time of engagement, DJPR had prepared first draft guidance to be provided to security, by DHHS, on terms that were acceptable to DHHS;
  - (c) DJPR at all times during the Program understood that it was required to act on the instructions of DHHS and the State Control Centre and would supervise security within those parameters;
  - (d) DJPR was responsible for managing security in its contract management role, for example, standing up providers, managing contractual documentation and feeding back concerns as notified to it, and ensuring action was taken by the provider in relation to concerns raised.

**NTP Question 33: State what:**

- (a) **supervision of the contractors' performance; and/or**
- (b) **contract management**
- (c) **was actually undertaken by the Department, both with respect to security firms and hotel operators?**

153. I am informed by DJPR's security contract manager that DHHS would generally deal with health and safety related issues directly with security companies. DJPR's security contract manager responded to any behaviour related issues. Any feedback or complaints received

about the performance of security contractors, either from DHHS or DJPR staff who were co-located with security personnel (for example, at the front desk), or guests (communicated through the guest hotline) were generally resolved on-site, either through DJPR on site personnel, or if an issue could not be resolved on site, DJPR's security contract manager would raise the issue with the management of the relevant security company.

## HOTEL CONTRACTS

**NTP Question 34: State whether you or any member of your Department, when entering into contracts with Hotels to be used as Quarantine sites provided any written instructions or guidance as to which personnel would be on site, what their roles would be or what infection, control requirements would be needed?**

154. I did not provide formal written instructions or guidance to Hotels as to which personnel would be on site, what their roles would be or what infection control requirements would be needed. It is my understanding that no member of DJPR staff provided such instructions or guidance to Hotels.
155. As I say above, Mr Menon had primary responsibility for identifying and procuring Hotels for the provision of temporary accommodation. I have informed myself in preparing for this statement of the following matters:
- (a) DJPR ascertained security, cleaning and catering requirements for each Hotel so it could identify what additional resources would be necessary. To track this information, Mr Menon maintained a spreadsheet which set out the Hotels' availability, capacity and had three columns titled "Requires Security Arrangements from State", "Requires Cleaning Arrangements from State" and "Requires Catering Arrangements from State" to track these third party requirements.<sup>49</sup>
  - (b) On 28 March 2020 at 10:43 am, Mr Menon circulated a copy of the spreadsheet and wrote in a covering email that the spreadsheet set out a "summary snapshot of which hotels are available in the short term, and 3rd party cleaning, security and catering requirements."<sup>50</sup>
  - (c) Further, on 28 March 2020 at 5:11 pm, I am aware that DHHS sent an email to Mr Menon and others which confirmed the personnel that would be on site at Hotels for the purposes of responding to queries from Hotels:<sup>51</sup>

*If Hotels are asking about arrangements (noting that some hotels may use their own security) for getting people into the hotel, the below is OK-ed by*

<sup>49</sup> [DJP.102.007.9907](#)

<sup>50</sup> [DJP.102.007.9895](#).

<sup>51</sup> [DJP.104.007.5083](#).



*Cam Nolan to be shared:*

- *Once a Skybus arrives at a hotel, nobody will get off until the VicPol rep goes to receive them and escort them to check-in at the hotel.*
- *Once checked-in, DJPR-contracted security will escort guests to their rooms.*
- *DJPR-contracted security will be on-site 24-7 in the hotels to ensure the guests' safety and compliance with the Chief Health Officer's directions. Each security team will have a manager who will coordinate directly with authorised officers from DHHS and VicPol. The security team will not physically engage with guests unless immediate safety is at risk; they will escalate to authorised officers (VicPol).*
- *Note: hotels are expected to maintain their usual security teams and logistics. The DJPR contracted security will only be there to support authorised officers to enforce the Chief Health Officers directions.*

156. Further, while formal written instructions were not issued to Hotels on applicable infection control requirements at the time of entering into contracts, in a template email sent by Mr Menon to Hotels at the time of gauging interest, Mr Menon wrote :<sup>52</sup>

*Please note while we expect that cleaning of the rooms will be the responsibility of the hotel (in accordance with the Agreement), if there is a confirmed case of COVID-19 in of any of the guests nominated by the department, the department will organise for cleaners to provide an industrial clean of the relevant rooms upon the departure of that guest. The cost of these additional cleaners will be paid for by the department.*

157. In addition, infection control requirements were contained in accommodation agreements which were circulated to Hotels prior to entering into formal arrangements. The accommodation agreements contained the following infection control requirements:

- (a) Clause 2.1(d) provided that the Hotel must:

*subject to clause 2.1(e), ensure that each Room is thoroughly cleaned and disinfected at minimum:*

*(i) prior to the commencement of each Department's Nominee's stay; and*

*(ii) as soon as practicable following the conclusion of each Department Nominee's stay,*

<sup>52</sup> [DJP.104.004.8157](#) attaching [DJP.104.004.8159](#) and [DJP.104.004.8165](#).



*to a standard consistent with the most recent recommended public health standards in respect of COVID-19;*

- (b) Clause 2.1(e) provided that the Hotel must: *“if there is a confirmed case of COVID-19 in any of the Department’s Nominees, allow the Department’s representatives to enter the Supplier’s premises in order to undertake specialised cleaning of the relevant Room. For the avoidance of doubt, these specialised cleaning services will be at the cost of the Department”*;
- (c) Clause 2.1(f) provided that the Hotel must: *“provide cleaning products for each Room, on request, so that the Department’s Nominee is able to clean the Room themselves during their occupation of the Room”*;
- (d) Clause 2.1(h) provided that the Hotel must:
- be responsible for, ensuring that before its officers, employees, agents, contractors and sub-contractors perform the Services, they receive:*
- ...
- (ii) are provided with personal protective equipment in accordance with the relevant public health standard,*
- including but not limited to in relation to COVID-19.*
- (e) Clause 2.1(j) provided that the Hotel must “cooperate with and regular liaise with the Department including but not limited to ... immediately notifying the Department of any issues in relation to the provision of the Rooms and/or Services, including but not limited to anything which may create a risk that the accommodation service will cease to be provided such as ... known exposure or infection of COVID-19”; and
- (f) Clause 2.1(k) provided that the Hotel must “have a business continuity plan that includes ... consideration of occupational and safety for staff, agents, contractors and sub-contractors if there is exposure or infection of COVID-19”.

158. In addition, members of DJPR staff also provided responses to Hotels (both written and verbal) in relation to queries regarding infection control requirements.<sup>53</sup>

159. I am also aware, from documents provided to me in preparing this statement, that two hotels approached in relation to the Program sought that the State supply the requisite PPE for

<sup>53</sup> [DJP.104.007.9483](#) and [DJP.104.003.8640](#).

their staff. It appears that the terms and conditions proposed for those hotels were amended accordingly.<sup>54</sup>

**NTP Question 35: Did you or any member of your Department request any other person or Department to provide any such written instructions to Hotels?**

160. I am not aware of any such request.

**MISSIONS COORDINATION COMMITTEE [the Committee]**

**NTP Question 36: When was the Committee first established?**

161. I attended the first meeting of the Committee on 15 April 2020. I am unable to confirm the exact day that the Committee was established.

**NTP Question 37: Which person or body authorised the establishment?**

162. Chris Eccles chaired the Committee meeting on 15 April 2020.

**NTP Question 47: What was its function?**

163. The Committee is the principal officers' forum to support the government's COVID-19 response, including the coordination and delivery of missions to respond to the COVID-19 pandemic and to plan and prepare for Victoria's post-COVID-19 recovery. It supports the work of the Crisis Council of Cabinet (**CCC**) including reviewing and canvassing issues and submissions proposed for the CCC.

**NTP Question 39: Who comprised the Committee?**

164. The committee is comprised of the Secretaries of DPC, DTF, DJCS, DJPR, DELWP, DET, DOT, DHHS, the Premier's Chief of Staff and Deputy Chief of Staff, the Treasurer's Chief of Staff, the Deputy Secretary of Economic Policy and State Productivity at DPC, Deputy Secretary of Governance, Policy and Coordination at DPC and the Deputy Secretary of Social Policy at DPC.

**NTP Question 40: Were you a member of the Committee?**

165. I am a member of the Committee in my capacity as Secretary, DJPR.

<sup>54</sup> [DJP.104.003.3475](#).

**NTP Question 41: For the purposes of the Committee, did you or the Department have any and what specific responsibilities for the COVID-19 response in Victoria?**

166. DJPR and I have supported the COVID-19 response in Victoria, with particularly responsibility as lead for Mission 3 - Economic program delivery, supply, logistics & procurement and co-lead for Mission 6 - Economic Recovery (Private).
167. My role has been the Lead Secretary for Mission 3 and Co-Lead Secretary (with the Secretary, DTF) for Mission 6.
168. Within the mission structures, the Department has had specific responsibilities to support the Government's response to the pandemic, including: leading the whole-of-government engagement with industry; ensuring business support, continuity and survival for affected industries; procurement of personal protective equipment for government, industry and the community; and planning and developing recovery strategies and actions for Victoria to recover post-COVID-19.

**PRESENT SECURITY ARRANGEMENTS**

**NTP Question 51: Please describe the present arrangements for the provision of security services at quarantine hotels. If applicable, describe what differences exist for the provision of security services between the various hotels.**

**NTP Question 52: Are any and, if so, which private security contractors are still engaged in providing security services at any and which quarantine hotels?**

**NTP Question 53: If yes, describe the nature of such services. Your answer should address specific duties, not generalities.**

169. DJPR has had no involvement with the Program since 30 June 2020.

Personal Information

sign  
here ►

print  
name

Simon Grant Phemister

date

13 August 2020