

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

WITNESS STATEMENT OF LISA NEVILLE

I, Lisa Neville of [address withheld], state as follows:

- 1 This statement sets out my answers to questions attached to the letter to me dated 9 September 2020.
- 2 This statement is true and correct to the best of my knowledge and belief.

Question 1 – For what departments and agencies are you accountable as Minister?

- 3 At all relevant times, I have been the Minister for Police and Emergency Services and the Minister for Water.
- 4 I am the responsible Minister under the *Emergency Management Act 1986* (Vic) (the **1986 EM Act**) and the *Emergency Management Act 2013* (Vic) (the **2013 EM Act**), which form one legislative package, and the *Victoria Police Act 2013* (Vic) (the **VP Act**).
- 5 Since 3 April 2020, I have also been the Minister for the Coordination of Environment, Land, Water and Planning – COVID-19, and a member of the Crisis Council of Cabinet.

(a) *EM Framework*

- 6 My role under the Emergency Management Acts is to ensure that satisfactory arrangements are in place to facilitate the prevention of, response to, and recovery from emergencies.
- 7 However, as section 5(2) of the 1986 EM Act states, I am not responsible for operational matters in relation to emergency management. My responsibilities involve high level policy and governance functions set out in the 2013 EM Act.
- 8 Although emergency management falls within my portfolio, that does not mean I have primary responsibility for all types of emergencies.
- 9 There are clear rules in the 2013 EM Act and State Emergency Response Plan about which agency is the control agency for a particular emergency.
- 10 The COVID-19 pandemic is a Class 2 public health emergency, for which the Department of Health and Human Services (**DHHS**) is the control agency.
- 11 Also, on 16 March 2020, the Minister for Health declared a state of emergency, after consultation with me and the Emergency Management Commissioner. This was done under the *Public Health and Wellbeing Act 2008* (Vic) (the **PHW Act**) and gave the Minister for Health and DHHS additional functions and powers. That Act is specifically

designed for dealing with a public health emergency. When the Minister for Health declares a state of emergency under the PHW Act, that Act provides the primary powers for dealing with that emergency.

- 12 A state of disaster was declared in Victoria on 2 August 2020 under the 1986 EM Act. A declaration of that kind enables me to take on and exercise broader powers, provided I have good reason to do so. I note that since 2 August, I have exercised these powers in limited ways, when there was advice and good reason to do so. However, relevant agencies and Ministers keep their usual roles and responsibilities even in a state of disaster.
- 13 On 22 March 2020, the Emergency Management Commissioner, Andrew Crisp, and I recommended to the Premier that a state of disaster be declared under the 1986 EM Act. However, as a state of disaster was not made at that stage, I did not obtain any of the powers or responsibilities that come with a state of disaster, at that stage.
- 14 Under the emergency management framework, there are some kinds of emergencies where the control agency is one of my portfolio agencies, such as the Country Fire Authority, the State Emergency Service, Emergency Management Victoria or Victoria Police. A good example is the recent bushfires, which was a Class 1 emergency and in which the control agency was always one of my portfolio agencies. In those circumstances, because I had direct ministerial responsibility for the control agency, I was then the lead Minister for the emergency response, which required me to work closely with the control agency. Similarly, in Class 3 emergencies where Victoria Police is the control agency, I have a greater role.
- 15 However, that is not the case in a Class 2 emergency, such as the current pandemic.

(b) VP Act

- 16 Under the VP Act, my role is limited to policy matters, and does not extend to making operational decisions. After consulting with the Chief Commissioner of Police, I can give written directions to the Chief Commissioner about policy and priorities to be pursued in the performance of the functions of Victoria Police. Such directions, which must be published in the Government Gazette, are only given about high-level policy matters.
- 17 The VP Act explicitly prevents me from giving directions about operational matters.
- 18 The Chief Commissioner is responsible to me for the general conduct, performance and operations of Victoria Police.

Question 2 – When did you first become aware of the Hotel Quarantine Program (HQP) plan for Victoria?

- 19 I became aware on 27 March 2020 that there would be a system of enforced hotel quarantine in Victoria.

- 20 To the best of my recollection, I was notified by the Premier's Office by a telephone call, shortly after the end of the National Cabinet meeting that day, of the outcomes of that meeting. I was told that we would have a HQP and that DJPR would be responsible for standing up the HQP.

Question 3 – What role did your departments and agencies play in the HQP?

- 21 I am not responsible for decisions or operational matters in a Class 2 public health emergency. As explained above, DHHS is and has been the control agency for the pandemic under the emergency management framework and has powers under the PHW Act. I also understood that DJPR had been given responsibility for standing up the HQP. I understood this was done to assist DHHS in its role as control agency for the pandemic generally.
- 22 The Emergency Management Commissioner has more limited powers and functions in a Class 2 emergency, when compared with a Class 1 emergency. In a Class 2 emergency, he does not have appointment powers for the State controller, or step-in powers. The State Control Centre has staff and systems to support the Emergency Management Commissioner, the State Response Controller, Class 2 State Controllers and responder agency commanders. Its purpose is to assist the coordination of the activities of agencies with responsibilities in relation to emergencies.
- 23 Commissioner Crisp and the State Control Centre provided support to DHHS and DJPR to operationalise the HQP, in what was known as Operation Soteria. They coordinated regular meetings about Operation Soteria, at which DHHS as control agency, and other relevant agencies, could report and discuss operational issues. In mid-April 2020, Commissioner Crisp told me that a decision had been made to move Operation Soteria out of the State Control Centre. It was relocated to the Operation Soteria Emergency Operations Centre, in DHHS' offices in Fitzroy.
- 24 I am aware that Victoria Police also assisted in developing the operational plan for Operation Soteria and in the ongoing operation of the HQP. As explained further below, I was not involved in making decisions about the structure or operation of the HQP, or the role to be played in it by Victoria Police. As explained further below, apart from the meeting described in answer to Question 7 below, I did not participate in any other meeting, briefing or discussion during 27, 28 or 29 March about the role of Victoria Police in the HQP.
- 25 Victoria Police had the following responsibilities in Operation Soteria:
- 25.1 assisting the meeting of returning travellers at the airport;
 - 25.2 supporting transport to and entry and egress from mandatory quarantine at hotels;
 - 25.3 24/7 response to any breach of quarantine under Operation Soteria and to any support required by private security in the event of an incident;
 - 25.4 assistance to authorised officers in the exercise of their powers.

- 26 More recently, in about early–mid July, I was involved in discussion about Victoria Police’s role in “hot hotels”, which has provided accommodation for people who have tested positive for COVID-19. That program is distinct from the HQP. It houses people diagnosed as COVID-positive in CBD hotels. As part of that program, Victoria Police provides a 24/7 onsite presence at those hotels, including providing security for exits, compliance checks of residents and immediate response to any incident identified in the hotel. Approximately 150 Victoria Police resources per day are utilised to resource the operation across the three sites, including 90 PSOs.
- 27 During the time the HQP was being established, Victoria Police was responsible for other significant operations in the community including Operation Sentinel, Operation Ribbon and Operation Shielding.
- 28 Two employees of DELWP, Scott Falconer and Chris Eagle, were appointed by the Secretary of DHHS to the role of Deputy State Controller – Health within the State Control Centre. They were deployed because of their emergency management skills and experience. In those roles, they came under the control of DHHS. From 1 May 2020, Mr Falconer and Mr Eagle returned to their positions within DELWP. DELWP also deployed authorised officers to assist Operation Soteria, at the request of DHHS. While assisting Operation Soteria, those authorised officers came under the control of DHHS.

Question 4 – Did their role change over time? If so, please give details.

- 29 I have answered Question 4 in my response to Question 3 above.

Question 5 – Which government department or agency did you understand had overall responsibility for the structure and operation of the HQP? How did you come to your understanding? If the position changed over time, please specify.

- 30 As the pandemic was a Class 2 health emergency, it was clear to me under the legislation that DHHS was the control agency, which had overall responsibility for the response to the pandemic. By the time of the decision to have a HQP, DHHS had been performing the role of control agency for the pandemic for some time.
- 31 From the phone call described in paragraph 20 above, I understood that DJPR would be responsible for standing up the HQP. I understood that this included responsibility for procurement and ongoing contract management. I understood that the HQP was an operation under the ultimate control of DHHS as control agency, in which DJPR had specific responsibilities and accountabilities, with reporting lines to the DHHS’ State Controller.
- 32 I understood that the role of the Emergency Management Commissioner and State Control Centre was to assist the coordination of the activities of the responsible agencies.
- 33 That remained my understanding until Corrections Victoria stepped in, in July 2020.

Question 6 – Why, as you understood it, was overall responsibility for the structure and operation of the HQP allocated to that department or agency?

- 34 I understood that DHHS had overall responsibility as the control agency. When I became aware that DJPR would have specific responsibility for standing up the HQP, I did not question this or think it was unusual, given that department's experience and expertise in procurement.

INITIAL SET UP (27 TO 29 MARCH 2020)

Question 7 – Did you attend meetings and/or receive briefings in the period 27 to 29 March 2020 at which the proposal for a HQP or its proposed structure and lines of accountability were discussed? If so —

7.1 What were those meetings, and who was present?

7.2 Who gave you the briefings?

- 35 On 27 March 2020, I attended a meeting with Chief Commissioner Ashton and Commissioner Crisp to discuss pandemic issues. This was a regular daily meeting I had had with both of them most days since the pandemic had been underway in Victoria. The meeting had been scheduled before the announcements of hotel quarantine, and was not specifically concerned with the HQP. However, the proposal for the HQP was briefly discussed at the meeting, as well as other important existing issues.
- 36 My calendar shows that the meeting, using Microsoft Teams, was to start at 1:30pm, but I am now aware that it commenced closer to 2pm. I am aware that, as well as Commissioner Crisp, Chief Commissioner Ashton and myself, Corri McKenzie, Deputy Secretary, Police Fines and Crime Prevention, was present. Based on the invitations in my calendar, I believe that Kate Fitzgerald, Deputy Secretary of Emergency Management Victoria and David Griffith, my Chief of Staff, also attended.
- 37 I did not have any discussions with either Chief Commissioner Ashton or Commissioner Crisp between the time I was told about the HQP, in the telephone call described in paragraph 20 above, and the start of the meeting.
- 38 I did not take notes of the meeting. I cannot now recall the discussion with precision, but I do have some memory of it.
- 39 By the time the meeting started, I already knew about the decision that DJPR was responsible for standing up the HQP, from the telephone call described in paragraph 20 above. To the best of my recollection, I believe that I first heard that private security would be used to guard returned travellers during the meeting.
- 40 The involvement of DJPR or use of private security were not raised for a decision in that meeting or for any particular input by me. I understood from the phone call I had already received, and the discussion at the meeting, that the broad structure of the HQP, including the use of private security and involvement of DJPR, had already been decided.

- 41 To the best of my recollection, the potential for Australian Defence Force members to meet returned travellers at airports and to transport them through the airport to Skybuses was also mentioned at the meeting. We discussed what would be the best model at airports, and the need for people with enforcement powers to be present, in case any returning traveller refused to comply with the relevant directions.
- 42 I understood that Victoria Police would have its usual law enforcement functions.
- 43 I was not asked to make any decision about the proposed structure or lines of accountability of the HQP. It was not the purpose of that meeting for anyone to do so. It would not have been appropriate for me to make a decision about the structure or lines of accountability of the HQP under the emergency management arrangements.
- 44 Apart from that meeting, I did not attend any meetings, receive any briefings or have any discussions between 27 and 29 March 2020 during which the proposed structure or lines of accountability for the HQP were discussed.
- 45 I remember hearing about the use of private security again when listening to the Premier's press conference held not long after 3pm, when the Premier indicated that private security would be involved in the provision of security. This confirmed for me the discussion during my meeting at about 2pm with Chief Commissioner Ashton and Commissioner Crisp.
- 46 Throughout the pandemic response, in every case where Victoria Police has been asked to perform a role, or where such a role is in serious contemplation, I have been consulted. I am therefore confident that if there had been any serious contemplation at a high level of a model where Victoria Police would play a significant new role in guarding people quarantining in hotels, I would have been consulted in the making of that decision. I also note that every time Victoria Police has been asked to perform a role, they have agreed to and have performed that role.
- 47 Throughout 27 – 29 March 2020, I exchanged text messages with Commissioner Crisp and Chief Commissioner Ashton about other aspects of the pandemic response. School holidays had commenced, and we were concerned to enforce the CHO directions in that environment. Issues including crowding at beaches, piers and fishing in coastal communities were a key focus. Those messages did not relate to the HQP.

Question 8 – Did you yourself play any role in the initial decision making regarding the structure and lines of accountability for the HQP? If so, please give details.

- 48 No, I had no role, and nor did I have powers under the emergency management arrangements to play a role.
- 49 As explained above, DHHS was the control agency for the emergency response to the pandemic, and I was informed on 27 March 2020 that DJPR would be responsible for standing up the HQP.

50 As I was not the Minister responsible for DHHS, the control agency, or DJPR, I had no power to play a role or reconsider decisions made by those agencies, or their Ministers, about the HQP.

51 I note that, during that time, I was focused on aspects of the pandemic response for which Victoria Police was primarily responsible, including the operations referred to in paragraph 27 above.

Question 9 – When were you first aware of a decision to engage private security contractors as part of the HQP?

52 As explained in paragraph 39 above, I first became aware of that decision during a meeting at about 2pm on 27 March 2020.

Question 10 – Who made the decision to engage private security contractors?

53 I do not know who made the decision to engage private security contractors.

Question 11 – What was the rationale for that decision as you understood it?

54 As I do not know who made that decision, and nor was I party to that decision, I do not know the rationale for it.

Question 12 – Were you party to any discussions with the Emergency Management Commissioner and or the Chief Commissioner of Police regarding the proposed respective roles of police, the Australian Defence Force (ADF), and private security? If so,

12.1 When were those discussions; and

12.2 What was their content?

55 In my answer to Question 7, I provided my best recollection of the discussion of the roles to be played by police, ADF and private security at a meeting on 27 March 2020, attended by Commissioner Crisp, Chief Commissioner Ashton and myself.

56 Otherwise, I was not party to any such discussions.

Question 13 – What as you understood it was the view, recommendation or preference of Victoria Police regarding the roles to be played by police, ADF and private security?

57 In my answer to Question 7, I provided my best recollection of the discussion of the roles to be played by police, ADF and private security at a meeting on 27 March 2020, attended by Commissioner Crisp, Chief Commissioner Ashton and myself.

58 To the best of my recollection, Chief Commissioner Ashton did not express any particular view, recommendation or preference in relation to security arrangements in the hotels.

- 59 I did not otherwise discuss with Chief Commissioner Ashton or Victoria Police during that time the roles to be played by them, the ADF or private security in the HQP or Operation Soteria.
- 60 During my meeting with Chief Commissioner Ashton and Commissioner Crisp at about 2pm on 27 March 2020, I understood that a decision had already been made that returned travellers would be guarded in quarantine by private security contractors, and that DJPR would be responsible for this.

Question 14 – Did you agree with that view? If yes, why? If no, why not?

- 61 As I say above in my answer to Question 13, I was not informed of any views Victoria Police held about the roles to be played by police, ADF and private security.
- 62 When those matters came up during the meeting on 27 March 2020, as described in answer to Question 7 above, I had no reason to question the decisions about the allocation of roles for the HQP.
- 63 As explained above, DHHS was the control agency, and I had been informed that DJPR was also playing a role. In those circumstances, I had no power to reconsider decisions about the structure of the HQP.
- 64 The regular daily meeting on 27 March 2020, during which those matters came up, was attended by Chief Commissioner Ashton and Commissioner Crisp. Neither of them raised any concerns about the use of private security guards. As explained above, my ministerial role for both emergency management and police does not extend to making decisions on operational matters.
- 65 In any event, from a security perspective, the fact that a decision had been made to use private security guards was not inconsistent with past practices. Private security contractors are used for security purposes widely throughout Victoria, including at Parliament House, hospitals and police headquarters. They are also used for security at major events such as the Australian Open.

Question 15 – Are you aware why Victoria Police members or Protective Services Officers were not ultimately used to perform and/or supplement the role fulfilled by private security contractors in the HQP? If so, what is the reason as you understand it?

- 66 I am not aware why Victoria Police members or Protective Services Officers were not used for this role. I am unaware whether their use was considered. As explained in paragraph 46 above, had their use been seriously considered, I am confident I would have been consulted.
- 67 I was aware that Victoria Police had a role in enforcing compliance with the law in relation to the HQP, including for breaches of Chief Health Officer directions, public safety and any law enforcement issues at the hotels where the HQP took place.

Question 16 – Since March 2020 have you had occasion to reflect on the appropriateness of the use of private security in the HQP? Do you now hold the same or different views to those you held in March 2020? Please give details.

- 68 As I say above, I did not take a view about the appropriateness of the use of private security in the HQP in March 2020. I understood this was a decision that had already been made. It was not within my power or responsibility to make that decision, or to reconsider it.
- 69 Reflecting on the question now, there are clearly things that went wrong with the HQP. I do not know whether that was because of the use of private security at all, or because of issues with the management and oversight of the private security arrangements, infection control management, or both.

AUSTRALIAN DEFENCE FORCE

Question 17 – Were you aware of any offer or offers from the Commonwealth to provide ADF assistance to Victoria for the HQP? If so –

17.1 When were each of those offers made?

17.2 What was the offer?

17.3 Was the offer accepted?

- 70 I was not aware of any offer or offers for the provision of ADF assistance to Victoria for the purposes of the HQP.

Question 18 – Were ADF personnel in fact used to provide assistance to Victoria for the HQP? If so –

18.1 How many; and

18.2 For what tasks?

- 71 I am aware that ADF personnel provided significant assistance by way of logistics and planning support to the HQP. This was provided first through the State Control Centre, in which ADF members had had an ongoing presence following on from the 2019-2020 bushfires.
- 72 Operation Soteria was moved to the Emergency Operations Centre in Fitzroy in around mid-April 2020. The Emergency Operations Centre was run by DHHS and managed the day-to-day aspects of the Operation. I understand the ADF had a permanent presence at that office.

Question 19 – Are you aware why the ADF was not used to perform the role fulfilled by private security contractors in the HQP? If so, what is the reason as you understand it?

73 I am not aware why the ADF was not used to perform this role. As explained above, at the time I found out about the use of private security contractors in the HQP, I understood that their use, and the structure of the HQP generally, had already been decided.

Question 20 – Were you aware that on 24 June 2020, the Emergency Management Commissioner made a request for 850 ADF members to perform a role in the HQP? If so,

20.1 When were you first so aware;

20.2 What discussions did you have and/or briefings did you receive regarding the proposed request; and

20.3 What was your view about the appropriateness of using ADF members in the HQP?

74 I first became aware of a request having been made to the ADF just after midnight, early on 25 June 2020, when I read about it in an article published online by the Herald Sun.

75 At the time I read that article, I was not aware of any such request having been made.

76 The next morning, I sent SMS messages to Commissioner Crisp asking what the request was about, as I was about to give a press conference with Chief Commissioner Ashton. I then attended the press conference, where I was asked questions about the matters reported in the Herald Sun.

77 The first time I spoke with Commissioner Crisp about the request was during my regular meeting with Chief Commissioner Ashton and Commissioner Crisp on 25 June 2020, which my calendar shows was at 2.00 pm. In that meeting, I spoke briefly with Commissioner Crisp about the request that had been made. By that time, the request had been rescinded.

78 As at that time, I did not have a particular view about the use of ADF in the HQP. I note that the request was made on behalf of DHHS, and was not one about which I formed any particular view.

79 I am now aware that at 7.08 am on 25 June 2020, I was sent an email by Commissioner Crisp, which attached copies of three requests for assistance from the ADF. One of those requests, RFA015, was for 850 personnel to assist in the HQP. I did not notice or read this email at the time.

Question 21 – The Board is aware that the request referred to in question 20 was later withdrawn on the basis that Victoria Police members and Protective Services Officers might be available instead. In that context –

21.1 When were you first aware of this?

21.2 What discussions did you have and/or briefings did you receive regarding the potential use of Victoria Police members and Protective Services Officers to perform the roles being performed by private security;

21.3 What was the content of those discussions; and

21.4 Why were Victoria Police members and Protective Services Officers not ultimately used?

80 To the best of my recollection, by the time I spoke with Commissioner Crisp during the meeting at 2.00 pm on 25 June 2020, I had already been told that the request for assistance had been rescinded. I do not recall who told me this had occurred. It might have been my media adviser, who was with me during that day.

81 I recall a high-level discussion I had at around that time with Rebecca Falkingham, the Secretary of the Department of Justice and Community Safety, about the potential use of Victoria Police members to perform a security function in the HQP. My recollection is that the Secretary suggested that using Victoria Police in that way might be considered as an option. To the best of my recollection, the idea was never developed into a formal briefing or discussed any further.

82 The decision was ultimately made to transfer responsibility for security to officers from Corrections Victoria. Those officers were well-placed to perform that function.

83 As I have said in paragraph 46 above, had there ever been a considered proposal to give Victoria Police a guarding function in the HQP, at any time from March 2020 until the hot hotels program, I feel confident that I would have been asked to consider that proposal and discuss it with the Chief Commissioner of Police. This has not happened until the recent discussion of the role of Victoria Police in securing compliance with the hot hotels.

CORRECTIONS VICTORIA

Question 22 – Were you party to discussions regarding a proposed and then actual transfer of responsibility for security in the HQP to officers from Corrections Victoria? If so —

22.1 What were those discussions;

22.2 Did you agree with the decision to transfer responsibility to Corrections Victoria?

84 The decision to transfer responsibility for security in the HQP to a Residential Support Officer supervision workforce, drawn primarily from Corrections Victoria, was made by the Crisis Council of Cabinet on 27 June 2020. I am a member of the Crisis Council of Cabinet.

85 Before that decision was made, I was a party to high-level discussions with Secretary Falkingham, in which she explained the submissions being provided by the Attorney-General to the Crisis Council of Cabinet about that proposal. I was not involved in the drafting of those submissions. I understood that the Secretary explained those matters to me because I was a member of the Crisis Council of Cabinet with Justice responsibilities in my ordinary Police and Emergency Services portfolios.

86 I was party to the discussions in the meeting of the Crisis Council of Cabinet on 27 June 2020.

ADDITIONAL INFORMATION

Question 23 – If you wish to include any additional information in your witness statement, please set it out below.

87 There is no additional information I wish to add in my witness statement.