

HHSD/20/58143

<b>Secretary: Appointment of 2019 novel Coronavirus Class 2 controller and future contingencies</b>	
<b>Action required by:</b> nil	
<b>Recommendation/s</b> That you	
1. <b>Note</b> the considerations in recommending appointment of the Class 2 controller for 2019 novel Coronavirus as discussed on 1 and 2 February 2020	<input checked="" type="checkbox"/> Noted / <input type="checkbox"/> Please discuss
<b>Comments</b> <p>Thanks all for a <del>very</del> comprehensive and thoughtful response to our quickly evolving emergency situation.</p> <p><i>Kym Peake</i></p> <p><b>Kym Peake</b> Secretary Date: 4/2 /2020</p>	

**Key issues**

- On Saturday 1 February 2020, you appointed the Director, Emergency Management Branch (and State Health Coordinator) as class 2 state controller for the 2019 novel Coronavirus (2019-nCov) outbreak. You made this appointment, after considering my advice, which is documented in this brief, consistent with our discussions over the weekend.
- Attachment 1** constitutes the instrument of appointment sufficient to satisfy my obligation as State Health Emergency Management Coordinator under the State Health Emergency Response Plan (SHERP) and your obligation as agency head under SHERP and the *Emergency Management Act 2013* (EMA).
- You did not specify a period of appointment as the appropriate period is not yet known. As you are aware, the department is resourcing its response assuming at least three months of dedicated response activity will be required.
- I recommended (**Attachment 2**) the appointment of a Class 2 controller after the Australian Health Protection Principal Committee (AHPPC) advised that to contain the spread of 2019-nCov, entry to Australia should be denied for people who have left or transited through mainland China effective from 1 February. The adoption of this advice by the Australian Government escalated the department's response from Level 1 (management of outbreak cases and their contacts and recommendation for isolation of those who had travelled from Hubei province) to a Level 2 response (given the likely social and economic impacts of border closures to all Chinese citizens).
- From 1 February, the 2019-nCov outbreak also met the definition of a 'major emergency' under the EMA as it then had potential to have significant adverse consequences for all or a part of the Victorian community.
- In SHERP, it is presumed that the Public Health Commander (the Chief Health Officer or delegate) will be appointed State Controller for identified public health emergencies, and the State Health Coordinator is appointed for all other emergencies (per **Attachment 3**). However, I recommended the State Health Coordinator as controller for the 2019-nCov outbreak to manage the growing social and economic impacts of the virus across government and provide access to the needed logistics and communications support,



rather than hazard (virus) control. Specifically, through the State Co-ordination Team, departments are providing necessary planning, logistics and communications support to the public health response. For emergencies where the Public Health Commander is not appointed the State Controller, the Chief Health Officer's authority under the *Public Health and Wellbeing Act 2008* (PHWA) remains unaffected, and public health decisions should not be overridden by a State Controller. In particular, he continues to approve all public health messaging.

7. Influencing my recommendation, is the key role the CHO plays in developing advice through the Australian Health Protection Principal Committee given the national and international dimensions of this outbreak, and has the central role in media and other interfaces. Also, as you are aware, we have few public health physicians, limiting the options for deputising or rostering of additional state roles while maintaining the core incident management in the department.
8. Utilising the State Co-ordination Team and the Emergency Management Joint Public Information Committee (EMJPIC) as clear support roles (and not response) requires a flexible approach by them and the Emergency Management Commissioner (EMC). I discussed my proposed recommendation with the EMC and he was supportive.
9. There are circumstances in which I would make a new recommendation that the CHO be appointed the class 2 state controller:
  - Should the 2019-nCov outbreak worsen significantly to impact overall community health, and the Minister declares a state of emergency under the PHWA
  - Should the CHO seek to use his powers under a state of emergency to require quarantine of classes of people due to pandemic conditions, potentially requiring direction of police resources
  - Should public responses to the outbreak and/or public health response warrant escalation to level 3 incident under the SHERP due to very high impact on normal health system operations or the need for much more complex multi-portfolio response management.
10. The need to escalate or de-escalate our response within the SHERP will be continually reviewed as the situation changes or new information becomes available.

#### **Additional information**

11. Under the EMA, health emergencies can be classified as Class 2 emergencies. The Emergency Management Manual Victoria designates DHHS as the control agency for health emergencies including human disease.
12. In addition to the EMA, the Public Health and Wellbeing Act 2008 provide authority to the Chief Health Officer (CHO) for control functions related to the management of public health incidents and emergencies.
13. The Emergency Management Commissioner is accountable for ensuring the response to emergencies in Victoria is systematic and coordinated. This includes ensuring that control arrangements are in place during a Class 2 emergency, responsibility for consequence management for a major emergency
14. Emergency Management Joint Public Information Committee (EMJPIC) provides strategic guidance for state-level messages across all state government departments and agencies. The State Controller (or delegate) will engage the support of the EMJPIC to ensure that state-level messages from all agencies with a role or responsibility in managing the impact and consequences of health emergencies are prioritised and included in key messages to the public.



## Department of Health and Human Services

50 Lonsdale Street  
Melbourne Victoria 3000  
Telephone: 1300 650 172  
GPO Box 4057  
Melbourne Victoria 3001  
[www.dhhs.vic.gov.au](http://www.dhhs.vic.gov.au)  
DX 210081

### EMERGENCY MANAGEMENT ACT 2013

#### INSTRUMENT OF APPOINTMENT

I, **Melissa Skilbeck**, Deputy Secretary Regulation Health Protection and Emergency Management, Department of Health and Human Services in accordance with the State Emergency Response Plan and State Health Emergency Response Plan Edition 4 (subplan) under the Emergency Management Act 2013 appoint **Andrea Spiteri**, Director Emergency Management as a Class 2 State Controller.

#### **Commencement**

This instrument commences today, Friday 1 November 2019.

A handwritten signature in blue ink, appearing to read 'Melissa Skilbeck'.

**Melissa Skilbeck**  
Deputy Secretary, Deputy Secretary, Regulation, Health Protection and Emergency Management  
State Health Emergency Management Coordinator under State Health Emergency Response Plan 4