

**IN THE MATTER OF THE BOARD OF
INQUIRY INTO THE COVID-19
HOTEL QUARANTINE PROGRAM**

**STATEMENT OF DANIEL ANDREWS
PREMIER OF VICTORIA**

Lead department or agency

Q1. Which government agency or department had overall responsibility for the Hotel Quarantine Program? If the position changed over time, please specify.

1. The hotel quarantine program known as Operation Soteria (**Program**) started as a multi-agency operation, overseen and coordinated by the State Control Centre (**SCC**). The Department of Health and Human Services (**DHHS**), as the designated control agency, was primarily responsible for the Program. I understood, at the start of the Program, that the Department of Jobs, Precincts and Regions (**DJPR**) would be responsible for aspects of procurement and logistics.
2. On 8 July 2020, the Crisis Council of Cabinet (**CCC**) approved the transfer of accountability for the Program from Minister Mikakos to the Attorney-General.¹ After the necessary administrative and governance arrangements were made by general order, the Department of Justice and Community Safety (**DJCS**) assumed responsibility for the Program from DHHS.

Q2. What was the rationale for that government agency or department taking a lead role?

3. When the Program started, DHHS took a lead role because it was the designated control agency for the response to the public health emergency, and the Program was a component of that response.
4. As to DJPR's initial role, on 20 March 2020, the Expenditure Review Committee of Cabinet (**ERC**) had set aside \$80 million for an accommodation package to support key workers and to provide emergency accommodation to people in need.² I understood that,

¹ CCC214 COVID-19 mandatory quarantine accommodation program decision extract (DPC.0012.0001.0830).

² ERC1094, Attachment A to Committee Minutes (Summary Sheet) (DPC.0012.0001.1422).

before the Program started, DJPR had already started the process of procuring hotel rooms for the proposed emergency accommodation program and that DJPR's earlier work would be used to rapidly implement the Program.

5. On 23 June 2020, the CCC was briefed³ that the model for supervision services for the Program was being reviewed and, on 27 June 2020, the CCC approved a new model for providing supervision services for the Program.⁴ That model involved recruiting a workforce drawn from the DJCS workforce, principally from corrections.
6. By transferring accountability for the Program to the Attorney-General, a single department, DJCS, would become responsible for both coordination and delivery of the Program. Further, DJCS had considerable expertise in areas suited to managing the Program and, by transitioning the Program to DJCS, some pressure would be relieved from DHHS. As discussed, the transfer of accountability for the Program to the Attorney-General was approved by the CCC on 8 July 2020.

Q3. Which Minister or Ministers did you regard as accountable to you and to the Parliament for the structure and operation of the Hotel Quarantine Program?

7. At the start of the Program, I regarded Minister Mikakos and Minister Pakula as responsible for informing Cabinet about, and seeking Cabinet's endorsement of, the initial overall service model and costings that had been determined for the Program. They did so at the CCC meeting on 8 April 2020.⁵
8. I then regarded Minister Mikakos as accountable for the Program. The CCC was provided with regular reports by Minister Mikakos containing data relevant to Victoria's response to the public health emergency, key insights from the data, as well as other updates, including in relation to the Program.
9. From 8 July 2020, I regarded the Attorney-General as accountable for the Program.
10. However, as Premier and chair of the CCC, I regard myself as being ultimately accountable for the Victorian Government and any decisions made about the structure and operation of the Program.

³ CCC180, Public Health Resilience Dashboard – Update (DPC.0024.0001.0001).

⁴ See CCC202, Alternative supervision model for COVID-19 hotel quarantine (DPC.0012.0001.0463).

⁵ See CCC14 COVID-19 Emergency Accommodation Framework (DPC.0012.0001.0733).

Initial decision-making

Q4. Was the possibility of large-scale hotel-based quarantine under any active consideration by the Victorian Government prior to 27 March 2020?

11. Not by Cabinet, but see paragraphs 12 and 13 below.

Q5. Was the decision of National Cabinet announced by the Prime Minister on 27 March 2020 to introduce quarantine by means of mandatory detention of returning travellers in designated facilities made on advice from the Chief Health Officers? If so, when did you first become aware of that advice?

12. On the morning of 27 March 2020, the Department of Premier and Cabinet (**DPC**) provided a written brief concerning the items on the agenda for the upcoming meeting of National Cabinet.⁶ The briefing noted that the advice of the Australian Health Protection Principal Committee (**AHPPC**) to National Cabinet may recommend that all returning travellers self-isolate in hotels, rather than go home, if the household has more than one person. It was expected that the advice would be addressed at the meeting by the Chief Medical Officer for the Australian Government (**CMO**), Dr Brendan Murphy.

13. Also that morning, DPC provided a written advice from the AHPPC, which addressed additional measures that could be adopted to control the spread of the virus.⁷ Relevantly, that advice recommended an additional measure in relation to enforced quarantine arrangements for returned international travellers. The AHPPC recommended enforcing the monitored placement of returned travellers in facilities such as hotels, in high risk cases where those persons would normally reside with others at home.

14. The National Cabinet considered the measure recommended by the AHPPC, but in respect to all returned travellers. The CMO was present at the meeting. That extended measure was ultimately agreed by National Cabinet.

15. I am now aware that drafts of both the DPC written brief and the AHPPC written advice were provided to my office at about 11.00 pm on 26 March 2020.⁸ I do not remember

⁶ National Cabinet Meeting, Friday 27 March 2020, Annotated Agenda (DPC.0023.0001.0012).

⁷ Advice to National Cabinet from NSW, Vic, Qld & Commonwealth CHOs on Next Step Measures (DPC.0023.0001.0002).

⁸ National Cabinet Meeting, Friday 27 March 2020, Draft Annotated Agenda (DPC.0001.0001.0230); Draft Advice to National Cabinet from NSW, Vic, Qld & Commonwealth CHOs on Next Step Measures (DPC.0025.0001.0002).

seeing or discussing those documents that night. The drafts are, relevantly, materially identical to the final documents provided by DPC the following morning.

Q6. Prior to the meeting of National Cabinet on 27 March 2020 did you consider that the attached self-quarantine directions of the 16th or 18th of March 2020 were sufficient to meet the risk to Victorians at that time?

16. By late March, my answer is ‘no’.
17. I was aware that the virus was highly infectious and demonstrated to be deadly. The long-term health effects for infected individuals were unknown, but it was feared that they could be significant. It was known that the virus could be transmitted by asymptomatic carriers and that, both in theory and in practice, a small number of infected people — ‘superspreaders’ — could infect a large number of people in a very short period. At that time, it was becoming apparent that the virus presented a public health challenge like no other that we had faced in close to a century, and that, if unprecedented measures were not taken, large numbers of Victorians would die and the consequential effects of the virus on the Victorian community more generally would be catastrophic.
18. In late March, there was very little community transmission of the virus in Victoria and, in the days leading up to 27 March 2020, a significant sequence of steps had been taken both by the National Cabinet and by the Victorian Government with the objective of ‘flattening the curve’ of infections.
19. As part of those measures, our international border had been closed to non-Australian citizens and non-residents. We knew that there were large numbers of Australians in countries, such as the United States, where the virus was circulating practically unchecked. We knew that a very significant number of Australians, in the thousands, would be returning to Australia in light of the pandemic.
20. In those circumstances, it was anticipated that a significant proportion of returned travellers would already be infected with the virus. That had been shown to have occurred with at least one group of travellers returning to Melbourne from Aspen, in the United States, and in the large number of infected passengers who had disembarked from the Ruby Princess cruise ship in Sydney, on 19 March 2020, and dispersed from there, with the virus, to other parts of Australia. We also knew of reports of some returned travellers not self-isolating.

21. At that time, it was apparent that, if the virus seeded in a Victorian city, there would be no containing it without the imposition of unprecedented measures.
22. It was also apparent that we needed to buy time to prepare Victoria's health system to deal with the anticipated effects of the pandemic over the coming months. There would be no 'flattening the curve' if even a small number of the returning travellers infected with the virus were not prevented from spreading it and thereby endangering the Australian community.
23. In this context, I was mindful of, for example, statements made on 23 March 2020 by the Chief Commissioner of Police, Graham Ashton, that Victoria Police was seeing examples of returned travellers in the community not complying with the Chief Health Officer's (CHO) self-quarantine direction. I was also mindful of reports after that time in which Victoria Police expressed concerns about instances of non-compliance with the CHO's direction, including people continuing to breach self-quarantine requirements.
24. In light of those matters, I went into the National Cabinet meeting on 27 March 2020 with the firm view that, as a policy for stopping large numbers of returned travellers from spreading the virus, self-quarantine posed an unacceptable risk to the Australian community and to Victoria, and it was therefore insufficient.

Q7. Prior to the meeting of National Cabinet on 27 March 2020 what information were you aware of regarding the compliance rate of returning travellers who were undertaking quarantine in their own accommodation?

25. See my answer to Question 6.

Q8. What caused the change away from self-quarantine directions for returning travellers to mandatory quarantine in hotels and other accommodation facilities? If it was the decision of National Cabinet, what information was before the National Cabinet when it made that decision?

26. The decision of National Cabinet on 27 March 2020. Otherwise, see my answer to Question 5.

Q9. Prior to the meeting of National Cabinet on 27 March 2020, was there consultation with the Victorian Chief Health Officer or other government officials about strengthening the enforcement regime of self-quarantining at a suitable residential

premises? If so, what were those consultations and what if any conclusion or decision had been reached as at 27 March 2020?

27. Not that I can specifically recall. I am, however, aware that on 16 March 2020, the CHO made a direction requiring returned travellers to self-quarantine. As discussed, I understand that there were clear issues of non-compliance with that program and, on 23 March 2020, Victoria Police announced Operation Sentinel, which involved police conducting spot-checks on travellers in 14-day isolation. I also understand that, shortly after Operation Sentinel started, Victoria Police observed concerning instances of non-compliance with the CHO's self-quarantine direction.

Q10. What changed from 16 March to 27 March 2020 to make the Hotel Quarantine Program the necessary path in your view to meet the threat posed by the pandemic?

28. See my answer to Question 6.

Q11. In the absence of a National Cabinet decision, would Victoria have made the independent decision to commence a quarantine program in designated facilities, or is it likely that travellers returning to Victoria would have been required to quarantine in a suitable residential premises rather than in a designated facility?

29. The Cabinet that I chair makes its decisions based on a range of submissions and advice. No such submission went to Cabinet before 27 March 2020. Any potential Cabinet consideration of the issue of returned travellers was overtaken by National Cabinet's decision. I participated in and contributed to the making of National Cabinet's decision. For those reasons, I cannot usefully speculate about what submissions or advice Cabinet would have requested or received had National Cabinet not made its decision, or about the outcome of any deliberations on any such submissions or advice.

The use of hotels

Q12. Who made the decision to quarantine returned travellers to Victoria in hotels (as opposed to other designated facilities)?

30. On 27 March 2020, National Cabinet agreed that international travellers returning to all States and Territories would be required to undertake mandatory quarantine in designated facilities, such as hotels.
31. As I stated in my answer to Question 2, by that time, the ERC had already set aside \$80 million for an accommodation package to support key workers and to provide

emergency accommodation. It was proposed, in the material before the ERC, that that initiative would involve Government securing hotel rooms to offer that emergency accommodation.

32. It was my understanding, before the National Cabinet meeting, that DJPR had already started the process of procuring hotel rooms for that program, and that thousands of rooms were on standby. It was my expectation, after National Cabinet had made its decision, that the hotel capacity that DJPR had already secured would be allocated to the Program.
33. Ultimately, however, National Cabinet agreed to a policy. The way in which that policy was implemented in Victoria, including what kind or kinds of facilities would be used to accommodate quarantined travellers, was an operational matter, to be coordinated and overseen by the SCC. As such, my best answer to this question is: the SCC. In this instance, however, the implementation of National Cabinet's policy must have involved a great many operational decisions, by many people. I say that because of the size of the Program, its complexity and its urgency.
34. On 8 April 2020, the CCC considered a joint submission from Minister Mikakos and Minister Pakula. The submission described the service model for the Program as at that time — which involved the quarantine of international arrivals in hotels — and sought the CCC's endorsement of that service model. The CCC gave that endorsement.

Q13. What was the rationale for that decision?

35. See my answer to Question 12.

Q14. Were other facilities considered, such as serviced apartments? If not, why not? If so, why were those facilities not preferred?

36. See my answer to Question 12. At the inception of the Program, I did not understand the model to be restricted solely to hotels. Precisely what accommodation would be deemed suitable was to be determined operationally.

Q15. Was the financial impact (both in terms of government expenditure and of income for the hotels engaged) of a hotel-based, rather than residence-based, quarantine program considered by you or by those advising you as relevant to the decision to quarantine in hotels? If so, why was it relevant? If not, why not?

37. On 27 March 2020, National Cabinet decided that returned travellers would be required to undertake mandatory quarantine in designated facilities, such as hotels, not at private

homes. The question of the financial impact of a residence-based, as opposed to hotel-based, quarantine program was not a relevant consideration for me.

Q16. Was any consideration given to the use of hospitals or health facilities to accommodate travellers who tested positive to COVID-19? If not, why not? If so, why was the decision taken not to transfer COVID-19 positive travellers to such a health facility?

38. See my answer to Question 12. It was always my expectation that if a person needed hospital treatment, they would receive it.

Q17. As at 27 March 2020 were you aware of any existing plan which addressed in practical terms how to implement a program involving large scale mandatory detention of returning travellers in hotels? If yes, please identify such plan.

39. I was not aware of any existing plan that contemplated large-scale mandatory quarantine of returning travellers in hotels.

Q18. At any time after 27 March 2020 did you consult with counterparts in other States about how a hotel-based quarantine program might be set up? If so,

18.1. what information or advice did you receive from your counterparts; and

18.2. what if any changes did you make or cause to be made to the Victorian model in light of that information or advice?

40. I did not consult with my National Cabinet colleagues, nor did they consult with me, about how a hotel-based quarantine program might be set up.

Decision to engage private security

Q19. Who made the decision to engage private security contractors in the Hotel Quarantine Program?

41. I do not know who made that decision.

42. After National Cabinet made its decision, I expected there that there would be a mix of different personnel playing different roles in the Program, including members of Victoria Police. But the way in which that decision was to be implemented, including the mix of personnel that would be engaged and their respective roles, was an operational matter. The decision to engage private security contractors, and many decisions like it, were of an operational nature. That is similarly so in the management of other disasters. For

example, I have no role in determining the mix of staff and allocation of tasks during a catastrophic bushfire event.

43. The Program was part of our response to a public health emergency caused by a highly infectious virus. I believed that those directly involved in the design and delivery of the Program would carefully consider infection control protocols as part of their deliberations.
44. For completeness, I note that, as mentioned at paragraph 33 above, on 8 April 2020 the CCC endorsed the service model for the Program as it existed at that time.

Q20. What was the rationale for that decision?

45. See my answer to Question 19.

Q21. Did you understand that [Australian Defence Force] personnel were on offer to assist Victoria in operating its Hotel Quarantine Program?

46. I was generally aware, before the National Cabinet meeting on 27 March 2020, that the SCC was receiving support from Australian Defence Force (ADF) personnel in the performance of its oversight and coordination role.
47. After the National Cabinet meeting on 27 March 2020, I understood that any ADF support for any State or Territory's implementation of the mandatory self-quarantine decision would be provided where necessary and according to need.⁹ I understood that New South Wales was seen as having the greater need at that time. I did not understand, on the basis of the meeting, that Victoria would be receiving extensive ADF support in its implementation of the decision.
48. I heard the Prime Minister's comments in his press conference on the afternoon of 27 March 2020. Those comments advanced a more generous position regarding the allocation of ADF personnel than had earlier been indicated. Later, in my press conference, I acknowledged that gesture, but I did not see that it necessarily changed what had been settled in National Cabinet.
49. I was not aware of any other offer of ADF personnel for the operation of the Program at its inception.

⁹ Cabinet Minute, National Cabinet, 27 March 2020 (DPC.0001.0001.6628).

50. As to the way in which the National Cabinet decision was implemented, including whether those directly involved in the design and delivery of the Program would actually seek the provision of ADF support, and the form of any support sought — I considered those to be operational decisions and I did not turn my mind to those questions. I certainly had no expectation that the ADF would have any extensive involvement at that time.

Q22. If yes please state as to each offer of assistance:

22.1. what assistance you understood to be on offer; and

22.2. when you first gained that understanding.

51. See my answer to Question 21.

Q23. What ADF assistance was provided to Victoria in the course of its Hotel Quarantine Program?

52. I understand that Emergency Management Victoria keeps a comprehensive log of any requests by Victoria for ADF assistance — including those that might be the subject of preliminary discussions between myself and the Prime Minister or our respective Departments — and any support provided in response to those requests. I would invite the Board of Inquiry to seek the relevant information from Emergency Management Victoria.

Q24. Were you aware that on 24 June 2020 the Emergency Management Commissioner made a request for 850 Australian Defence Force (ADF) members to perform a role in the Hotel Quarantine Program? If so —

24.1. When were you first so aware;

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

24.3. What was your view about the appropriateness of using ADF members in the Hotel Quarantine Program?

53. I became aware of Emergency Management Commissioner Crisp's 24 June 2020 request for ADF assistance on the morning of 25 June 2020.

54. Until the end of June, Victorian requests for ADF assistance with the delivery of the Program were made at an operational level. I was not, and did not expect to be, briefed

about those requests as and when they were made. I was not, and had not expected to be, briefed about Emergency Management Commissioner Crisp's 24 June request.

55. While I had no specific concerns about the appropriateness of using ADF personnel in the Program, on 23 June 2020, and following the outbreak at the Stamford Hotel, the CCC had been briefed that the model for supervision services for the Program was being reviewed and that changes were expected. I have discussed, at paragraph 5 above, the outcome of that review. For those reasons, when I became aware of Emergency Management Commissioner Crisp's 24 June request, I was concerned that it might cut across the development of the new model for supervision services.

Q25. The Board understands that the request referred to in question 24 was later withdrawn on the basis that Victoria Police members and Protective Services Officers might be available instead. In that context—

25.1. 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;

25.2. What was the content of those discussions; and

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

56. As discussed, on 23 June 2020, the CCC was briefed that the model for supervision services for the Program was being reviewed. And, on 27 June 2020, the CCC approved a new model.

57. That model involved recruiting a workforce drawn from the DJCS workforce, principally from corrections. The CCC was also briefed that, while supervision services would be provided by DJCS employees, Victoria Police and Protective Services Officers would be responsible for responding to public order incidents; the enforcement of CHO directions; and conducting regular spot checks for compliance with CHO directions in hotels.

58. The DJCS supervision workforce was to be recruited principally from the corrections workforce. Corrections personnel were seen as eminently capable and skilled in infection control and in managing difficult and complex cohorts.

Q26. Why was the [ADF] not used to perform the role fulfilled by private security contractors in the Hotel Quarantine Program?

59. As to the Program in its inception, see my answers to Questions 19 and 21.
60. As to the new model for the provision of supervision services for the Program that was submitted to the CCC for consideration at its meeting on 27 June 2020, that submission had been jointly developed and carefully considered by officers within DJCS and DHHS, and then evaluated and assessed by DPC and the Department of Treasury and Finance, each of which supported the submission.
61. That proposed model did not contemplate any role for the ADF in the Program; rather, it contemplated the recruitment of a workforce to provide supervision services from the DJCS workforce, and principally the corrections workforce.

Q27. Why were Victoria Police members or Protective Services Officers not used to perform the role fulfilled by private security contractors in the Hotel Quarantine Program?

62. See my answer to Questions 19 and 25.

Q28. Did you yourself have a view as at 27-29 March 2020 on the appropriateness of using private security as the front line of security in the Hotel Quarantine Program? If so, what was that view and what if any steps did you take to have that view taken into account in the establishment of the program? If your view was that it was not appropriate, why was the decision nevertheless taken that private security should be engaged?

63. No, I did not. See my answer to Question 19.

Q29. Knowing what you know now, do you support the engagement of private security contractors in any future iteration of a Hotel Quarantine Program? Please give reasons for your view.

64. I recommended that the Governor establish this Board of Inquiry because I wanted, and Victorians deserve, to understand the nature of any mistakes made in conducting the Program, by whom they were made, and what recommendations might be made for the future.

65. My view as to the engagement of private security contractors in any future iteration of a mandatory hotel quarantine program will be guided by this Board of Inquiry's findings and recommendations.

Reflecting in light of events: March – September 2020

Q30. Knowing what you know now, including the financial cost of the private contracting of hotels, security companies and other private providers, do you continue to support:

30.1. Mass quarantining for all returning travellers?

30.2. Mass quarantining in hotels (as opposed to a different facility or environment)?

66. The National Cabinet has not departed from the decision that it made on 27 March 2020 regarding the mandatory quarantine of returned travellers. That is so despite the quarantine breaches that have occurred both in Victoria and, as I understand it, in other jurisdictions.
67. As to the use of hotels, as opposed to different facilities or environments, if a proposal recommending an alternative model of accommodation were to be submitted, I would give it careful consideration.
68. The financial cost of the Program, or any future iteration of it, is not a significant consideration for me. Ensuring the safe operation of any future program would be my primary concern.

Q31. If you do, why? If you do not, why not?

69. See my answer to Question 30.

Q32. Knowing what you know now, would you support mass quarantining for all returning travellers, irrespective of:

30.1. Pre-existing physical and mental health conditions;

30.2 Drug and alcohol dependencies; and

30.3 Other individual vulnerabilities (including vulnerability to family violence)?

70. Generally speaking, an appropriate exemptions process that takes account of individual factors should be in place. I await the findings and recommendations of the Board of Inquiry which, I assume, will assist in any future consideration of that issue.

Q33. If you do, why? If you do not, why not?

71. See my answer to Question 32.

Q34. Do you consider the current quarantine program being run at the COVID-19 hotel being overseen by Alfred Health is the right model for any future quarantine program for returning travellers?

72. I understand that Alfred Health provides a range of services in relation to the management by DJCS of the Program. As to the appropriateness of that model and its relevance to any future iteration of the Program, I look forward to reviewing the findings and recommendations of this Board of Inquiry.

Q35. What are the key differences between the model referred to in the previous question and that adopted at quarantine hotels prior to the implementation of this model?

73. See my answer to Question 34. As to the detail of the differences between the two models and their relative importance, I would invite the Board of Inquiry to investigate those issues with those who have a detailed understanding of those models.

Legislative change**Q36. Information available to the Board suggests that some elements of the Hotel Quarantine Program were driven or influenced by the particular legislative arrangements in place in Victoria. To the extent that is the case, what is your view about possible legislative changes to —**

36.1. Expand the range of persons who can act as authorised officers under the *Public Health and Wellbeing Act 2008 (Vic)* (for instance, to include Victoria Police members, Protective Service Officers, or ADF members);

36.2. Amend the process and preconditions for compulsory testing for infectious diseases under the *Public Health and Wellbeing Act 2008 (Vic)*;

36.3 Deal with any other limitation imposed by present legislation on how the Hotel Quarantine Program was able to be established and run?

74. The Government intends to introduce an Omnibus Bill to Parliament shortly, by which it is proposed to, relevantly, amend the *Public Health and Wellbeing Act 2008 (Vic)* to:

(a) strengthen the powers of authorised officers to detain high risk people who are not willing or able to comply with COVID-19 public health directions; and

- (b) ensure that the State has the ability to flexibly expand its authorised officer workforce to enforce COVID-19 public health interventions.

It is proposed that the amendments will be automatically repealed on 26 April 2021.

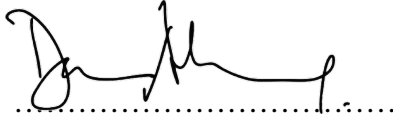
- 75. As to any other future legislative changes, I will welcome the findings and recommendations of this Board of Inquiry.

Additional information

Q37. If you wish to include any additional information in your witness statement, please set it out below.

- 76. I have nothing further to add. I look forward to assisting the Board of Inquiry.

Date: 16 September 2020



Daniel Andrews
Premier of Victoria