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WITNESS STATEMENT OF SHANE ANDREW PATTON APM

I, Shane Andrew Patton APM of 637 Flinders Street, Docklands, state as follows:

- (A) I am the Chief Commissioner of the Victoria Police Force. I joined the force as a cadet in 1978 and have now served for just over 42 years. I have performed both operational and administrative roles, in a diversity of positions. This has included general uniform duties, as a detective in criminal investigations, Transit and Public Safety roles, as an Officer in Charge of a police station, as a Superintendent in charge of a busy and large police Division and specialist in charge of the Traffic Camera Program. I have performed the role of Chief of Staff to two previous Chief Commissioners.
- (B) As an Assistant Commissioner I was in charge of the State Emergencies and Security Command (as it then was known) and have been responsible for leading the police response in large scale emergencies. I have also led the North West Metropolitan Region as an Assistant Commissioner.
- (C) Prior to promotion to Chief Commissioner, I was a Deputy Commissioner for the preceding five years with carriage at different times for both the Specialist Operations portfolio and, following that, the Regional Operations portfolio.
- (D) This statement sets out my answers to the questions made in the request to me dated 28 August 2020. My statement is true and correct to the best of my knowledge and belief based upon the materials with which I have been briefed. Where I have referred to conversations in which I have participated, unless otherwise stated, I am referring to the substance of those conversations or the effect of the words that were said.

Victoria Police Involvement in the Program

1 In the period between the date you commenced in your role as Chief Commissioner of Victoria Police until the date of receiving this statement request (Relevant Period) who were the member(s) of Victoria Police with primary responsibility for liaising with:

- (a) the State Control Centre;
- (b) the Emergency Services Commissioner and/or Emergency Management Victoria;
- (c) the Australian Defence Force,

in relation to the Victorian Response to the COVID-19 Pandemic?

What are those persons' names, ranks and usual roles? How were the nature and substance of their communication with each agency or Officer, their views and recommendations and advice brought to your attention as Chief Commissioner of Police (CCP)?

- 1.1 I commenced in the role of Chief Commissioner of Victoria Police on 27 June 2020.
- 1.2 Victoria Police has, or participates in, the following formal structures and processes for liaising with the State Control Centre (**SCC**), the Emergency Management Commissioner, and the Australian Defence Force (**ADF**) during a declared emergency:

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- (1) The Senior Police Liaison Officer (**SPLO**), whose statutory role is to liaise with the Emergency Management Commissioner in relation to the coordination of regional or municipal response to an emergency.
 - (2) The State Control Team (**SCT**), which supports the Emergency Management Commissioner and State Response Controller in emergencies and is supported by the SCC.
 - (3) The State Police Operations Centre (**SPOC**), which includes an ADF Liaison Officer to contribute to operational planning and response.
- 1.3 These structures and processes were used in the Relevant Period (and, to my knowledge, previously) in relation to the COVID-19 pandemic.
- 1.4 These responsibilities have been fulfilled by a number of Victoria Police representatives during the Relevant Period as follows:
- (1) The role of SPLO was generally performed by Superintendent REDACTED
Personal information and occasionally by other expert emergency management practitioners.
 - (2) In addition, Assistant Commissioner (**AC**) Michael Grainger is the senior executive in charge of, and responsible for, the State Emergencies and Support Command. AC Grainger is also the Emergency Response Coordinator (**ERC**) and is essentially the primary senior conduit and point of contact between Victoria Police and the Emergency Management Commissioner and Emergency Management Victoria.
 - (3) From 27 June 2020 to 29 July 2020, AC Grainger, Commander David Clayton, Superintendent REDACTED and/or Superintendent REDACTED were the Victoria Police representatives who attended SCT meetings relevant to Operation Soteria, which was the multi-agency operation name for the Hotel Quarantine Program (**HQP**). From 29 July 2020, I commenced attending SCT meetings as a result of a decision made by the Crisis Council of Cabinet to elevate representation at the SCT to senior agency and department personnel. Deputy Commissioner (**DC**) Rick Nugent and my Chief of Staff, Acting Commander Martin O'Brien, participated as observers. On the rare occasion I could not attend, DC Rick Nugent has attended in my absence.
 - (4) AC Brett Curran is now performing the role of SPOC State Police Commander (**SPC**). Previously, other people have performed this role, including DC Rick Nugent.
- 1.5 Since being in the role of Chief Commissioner, the views, recommendations and advice of more junior officers are generally brought to my attention via DC Nugent as required, either verbally or in briefings or email updates. That is the normal process under the chain of command. However, on occasion, I may have direct contact with other members of Victoria Police in this regard. As I have attended SCT meetings since 29 July 2020, I now have personal knowledge of SCT proceedings.

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- 2 Prior to the commencement of the Relevant Period, what role (if any) did you have in relation to Victoria Police's involvement in the Victorian Hotel Quarantine Program?**
- 2.1 I set out below my limited direct involvement, prior to the commencement of the Relevant Period, in relation to Victoria Police's involvement in the Victorian HQP.
- 2.2 Immediately prior to commencing the role of Chief Commissioner on 27 June 2020 I was the Deputy Commissioner with responsibility for the Regional Operations portfolio. Coming within the scope of that portfolio was all of the uniform policing response for the State and also the State Emergencies and Support Command.
- 2.3 On Sunday 15 March 2020 I arrived back in Melbourne at approximately 8.30am, after travelling overseas on Victoria Police business. On that day I spoke with then Chief Commissioner of Police (CCP) Graham Ashton who advised me that the Prime Minister had announced the need for returning overseas travellers to quarantine which would come into effect from midnight that same day. Acting out of an abundance of caution, it was decided that I would self-quarantine at home for the relevant 14 day period. It was agreed that I would still manage the routine matters in the Regional Operations portfolio whilst quarantined, other than operational response and leadership matters that required my actual physical attendance.
- 2.4 On Monday 16 March 2020 I was advised by CCP Ashton that a State of Emergency in response to the public health situation would be declared and of the implementation of restrictions in relation to gatherings and returning travellers.
- 2.5 On Monday 16 March 2020, I participated in an Executive Command meeting with the Chief Commissioner and other Deputy Commissioners. In addition to myself, the DCs present were DC Nugent and DC Steendam. It was made clear at that meeting that DC Nugent (normally in charge of the Capability portfolio) would be the SPC for our response to the COVID-19 emergency, and that I would maintain general "business as usual" activities within the Regional Operations portfolio, while I was in quarantine at home.
- 2.6 In response to the heightened state of alert, the SPOC and its associated personnel and structures were stood up on Monday 16 March 2020 for the purpose of an operational response to the COVID-19 emergency. This was a decision made at the Executive Command meeting held that day.
- 2.7 For the next two weeks, until 29 March 2020, I remained quarantined at home, dealing with general running of the Regional Operations portfolio. I participated in video conferences as required and was also operating via email and telephone calls. I participated in regular Executive Command meetings during this time and listened to briefings from both CCP Ashton and DC Nugent.

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- 2.8 I was not involved in the meetings held at the SCC on Friday 27 March and Saturday 28 March 2020 in relation to the HQP. I was not aware of those meetings at the time until (for the meeting on 27 March) I received the emails to which I refer in paragraph 3.5 below.
- 2.9 During my period of quarantine I tested negative for COVID-19.
- 2.10 On Sunday 29 March 2020 at 0830 I attended at the Victoria Police Centre where I was briefed by my staff and read materials relating to our COVID-19 response. At 1055 that day I attended the SPOC State Incident Management Team (IMT) meeting (which had at that time been meeting daily at 1100). I was then present and listened to the meeting chaired by DC Nugent, to familiarise myself with issues and our response. Those participating in that meeting were advised that the role of SPC would transition from DC Nugent to me, effective from midnight that day.
- 2.11 I assumed the role of SPC effective from 0001 on Monday 30 March 2020. I then remained in that role until my promotion to Chief Commissioner which took effect on 27 June 2020 and the SPC role transitioned back to DC Nugent.
- 2.12 As SPC, I was responsible for the SPOC, which has the centralised oversight function for Victoria Police operations relating to the COVID-19 Pandemic, including Victoria Police's role in the HQP. However, operational command for the Police role in Operation Soteria was located within the North West Metro Region (NWMMR) of Victoria Police and held by Commander Tim Tully as Police Commander (Strategic) for Operation Soteria, and by others in his absence.
- 2.13 I had no specific or direct role in the Victoria Police involvement in the HQP other than my position as SPC. At the daily IMT meetings at 1100 I would receive a briefing in relation to Operation Soteria, which concerned information such as the daily numbers of incoming flights and incoming persons into the hotels. I was not advised of any issues of concern regarding the use of private security under the HQP.
- 3 What requests, whether formal or informal, were made of Victoria Police, between 16 March 2020 and the date of receiving this statement request, in respect of any role(s) Victoria Police Members (including Protective Services Officers) might play in the Hotel Quarantine Program? Who made those requests, to whom and when?**
- 3.1 Prior to commencing in the role of Chief Commissioner of Victoria Police on 27 June 2020, I had no personal involvement in, or direct knowledge of, any formal or informal requests for Victoria Police to play a role in the HQP. Since assuming the role of Chief Commissioner, I had no personal involvement in, or direct knowledge of, any formal or informal requests for Victoria Police to play a role in relation to the HQP until a request made on 16 July 2020 which concerns what is known as "Operation Soteria II", as set out in paragraph 3.16.
- 3.2 To assist the Board of Inquiry, I set out below both my own knowledge and also what I believe to be the case based on the information with which I have been briefed for the purposes of this statement regarding matters responsive to question 3. Under the emergency management

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framework, and for a range of reasons, it is desirable that all requests be made through the SCC. That is how Victoria Police operates. A number of enquiries have been made in order to attempt to identify all matters that might be regarded as informal requests to Victoria Police. However, without more information as to when or to whom any such requests might have been made, it may be that there are other informal requests or conversations of which I am unaware.

3.3 As explained above, from 15 to 28 March 2020 I was in self-isolation. My diary notes record that at 19:00 on 27 March 2020, I had a conference call with CCP Ashton and Deputy Commissioners (myself, DC Nugent and possibly DC Wendy Steendam) for approximately 39 minutes. My diary note of this call relevantly states [VPOL0005.0001.1298 at .1298]:

CCP/ D/C's hook-up – update re no notice re announcements by PM tomorrow – Defence assisting re 'back of house' checks – Arrivals – taken to hotels from airports. Sunday first 1,300 first day – 1,000 each day after that – don't know how many to expect back. ADF available re static guarding of those sites. ...

3.4 I do not have a recollection of this call and I am unable to add to my diary note. I do not recall any reference being made to the role to be played by Victoria Police or private security companies. I do not recall the conversation that led to my note "*ADF available re static guarding of sites*".

3.5 I received the following emails shown in VPOL.0004.0001.0040:

- (1) 27 March 2020 at 19:11 from AC Grainger; and
- (2) 28 March 2020 at 06:40 (recorded as 07:40 on this version due, I presume, to a daylight savings time glitch) from DC Nugent.

3.6 I cannot say when I first read these two emails. I have no recollection of them until being asked to review materials for this inquiry. I am aware from these emails that the Emergency Management Commissioner, Andrew Crisp, from a meeting at the SCC on Friday 27 March 2020, was seeking police assistance in the HQP and that the police role was being developed to form part of the end to end process which DJPR had the responsibility to develop. I was not personally involved in the relevant communications regarding the role to be played by Victoria Police or other agencies.

3.7 In the email referred to in paragraph 3.5(2) above, DC Nugent refers to having received a telephone call from a "DPC" representative in the evening on 27 March 2020. DC Nugent has recently informed me that he took this call while he was at home and that he is now not sure of the identity of the person who called him or whether that person was in fact from the DPC or another government department.

3.8 When I returned to work at the Victoria Police Centre on Sunday 29 March 2020 and had my handover with DC Nugent for the SPC role, I was briefly updated on Operation Soteria, which by that stage had been established.

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- 3.9 My diary notes record that on 30 March 2020 at 1000 I attended an Executive Command meeting. My diary note of this meeting relevantly states [VPOL.0005.0001.1298 at .1300 and .1301]:

ExComm. COVID-19 'Teams' hook-up. I briefed re: -

...

3. Op. Soteria (Airport arrivals - Isolation) movement to hotels (500+) people

...

CCP update - Busy weekend. Airport 'isolation' arrivals. ...

- 3.10 My understanding of the establishment of the HQP is primarily learned from my review of a recording of a meeting held at the SCC on 27 March 2020 at around 4.30pm. The documents produced with this statement include an entire transcript of the SCT meeting on Friday 27 March 2020 which has been provided to me for the purposes of this statement and which I have been informed is correct [VPOL.0030.0001.0001]. As I stated in paragraph 2.8, I was not aware of the meetings on 27 and 28 March 2020 at the time they occurred.

- 3.11 For the purposes of making this statement, I have reviewed the minutes of the Victoria Police IMT meeting held at 1100 on Saturday 28 March 2020 that was chaired by DC Nugent as State Police Commander, at which I was not present [VPOL.0007.0001.3179]. The minutes record:

ERC

- Planning is underway with ADF and AFP for quarantining international travellers at hotels. It's preferred these hotels are located within Melbourne CBD
- Advocating for CHO to provide clear direction as this is dependent upon powers to act.
- DC Rick Nugent stated police won't have a role in escorting or managing quarantined persons in hotels. Police will respond to community safety incidents only.
- There will be a 3pm dry run with the reception process at Melbourne Airport today.

...

AFP

- Communication flow between the SPOC and Major Information Centre has been good
- Requested clarification about Victoria Police's role in escorting international travellers from the Melbourne Airport to designated hotels
- RN provided clarification that Victoria Police's role will be to respond to community safety issues only.
- It was noted ABF member will be in AFT Incident Room before international travellers arrive ensuring communication to Victoria Police

...

OTHER BUSINESS

- Discussions around ADF role in support Victoria Police spot checking

- 3.12 As a result of being briefed in relation to this Inquiry, I now understand that two further SCT meetings were held on Saturday 28 March 2020. As at the time of making this statement I have not been provided with or listened to the recordings of the SCT meetings on 28 March 2020. I am informed that the attendees at these meetings further discussed and agreed the respective roles

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and responsibilities of the participating agencies under the initial phase of Operation Soteria. Those roles and responsibilities were described formally in the EMV Operations Plan for Operation Soteria that was circulated on 28 March 2020, including to Commander Tim Tully and AC Grainger [VPOL.0001.0001.4595; VPOL.0001.0001.4596].

3.13 The emergency management framework under which we are operating in Victoria was established following the 2009 bushfires and differs from other states such as New South Wales where the State Emergency Operations Centre is led by Police. Under the Victorian emergency management framework, a pandemic is a Class 2 emergency and the control agency is the Department of Health and Human Services (DHHS). Ultimately Victoria Police's role in Operation Soteria was providing support to the control agency, primarily through:

- (1) responsibility for security (including traffic management) at the times and places of entry and egress of the returned travellers at the quarantine hotels;
- (2) provision of support to the 'tier 1' private security at the hotels, as required, by responding to calls for assistance made via 000 calls; and
- (3) undertaking occasional vehicle patrols of the exterior of the hotels.

3.14 However, Victoria Police did not seek to limit its support for the HQP to those responsibilities. Victoria Police provided and in many cases initiated support for the HQP in a number of other ways. The following are some examples of which I have been made aware. Apart from the first example, I do not have direct knowledge or involvement in them:

- (1) On 1 April 2020 IMT #19 discussed media reports on the wellbeing of people in compulsory quarantine, in particular complaints about food quality, smoking and access to fresh air. Victoria Police instigated contact with DHHS to discuss these issues and minuted progress at IMT #20 and IMT #21, prior to Action Item 60 being finalised at IMT #22 and documented in the minutes of the IMT meeting on 4 April 2020 [VPOL.0007.0001.2391]:

IMT #19 – Liaise with DHHS to ensure that people staying in hotels for compulsory quarantine are being treated satisfactorily.
Other info outlining briefings to the passengers, their call options if they become agitated or stressed etc? What is the complaints process? Welfare services are available etc. What negotiation or escalation processes exist?
IMT#20 - Liaison has occurred with DDHS [sic] to understand what you they have in place at each of the three hotels i.e. DHHS staff, AO's, Nurses and Security and what hours they are present etc. (Announced this morning 2/4 they are moving to a fourth hotel).
IMT#21 - Meeting with DHHS, DJPR and Op Soteria managers this morning with a draft for feedback circulated this afternoon 3/4. Two pieces of work – welfare support and police response – escalation plan around negotiation and police attendance. Hoping to resolve this afternoon.
IMT#22- We have looked at the process DJPR and DHHS have in place and believe those in isolation are being accommodated well given their resource limitations. They

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received a detailed information pack on arrival and this graphic outlines support mechanisms. Responded to DC PATTON this morning. Awaiting feedback.

- (2) I have now been briefed that Victoria Police met with DHHS and DJPR representatives twice weekly for the purpose of discussing issues arising in respect of any detainees, including risks or concerns that did not need a '000' response and worked collaboratively to address those risks [VPOL.0002.0004.0005].
 - (3) Victoria Police reviewed information from the Australian Federal Police in relation to incoming passengers to identify areas of potential risk for staff or guests such as criminal history, being a registered sex offender or the existence of intervention orders, and took steps to minimise any such risk [VPOL.0002.0004.0005].
 - (4) When Victoria Police became aware that a public area was being used for quarantined guests of the Pan Pacific hotel to have exercise or fresh air breaks, the issue was raised by Commander Tully at a meeting at the State Control Centre [VPOL.0002.0007.0015], Victoria Police sought advice on what the arrangements were for each location and ultimately, with the agreement and involvement of DHHS as the control agency, convened and participated in a security forum. I refer to the information in relation to the security forum in the witness statement of Commander Tully dated 30 August 2020 [VPOL.0027.0001.0001].
 - (5) Victoria Police identified a need to review hotel evacuation plans and instigated steps to do so [VPOL.0002.0004.0001].
- 3.15 I do not have direct knowledge of the following matters but I am now aware of them from Victoria Police documents disclosed to the Board of Inquiry:

- (1) A Police Emergency and Events Command (PEEC) log dated 30 March 2020 [VPOL.0001.0001.4669] records the following request from the DHHS Emergency Management Liaison Officer, who sits in the SPOC and is the liaison officer for the COVID-19 response generally:

AO's are currently in attendance at the two hotels (Crowne Promenade and Crowne Metropol) at which people arriving into Victoria are being quarantined.

There is currently a police presence at both hotels however our understanding is that it is not currently planned that this will be a 24/7 presence. Can VICPOL please arrange for a police presence of four members (as recommended by one of the police members currently on site) to be rostered on 24/7 at each hotel.

Regards

REDACTED
Personal information

DHHS EMLO

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- (2) An informal request on 9 April 2020 from the DHHS regarding the use of Protective Services Officers (**PSOs**) in Operation Soteria, which is recorded in the diary of AC Chris O'Neill at **VPOL.0005.0003.0003** as follows:

Phone conversation with [REDACTED Personal Information] (Manager ER, DHHS) referred to me by Carryl F. Enquiring how PSO's could be used to assist DHHS AO's for enforcement of isolation new arrivals. Advised VicPol Protocols if there is to be a request from DHHS that this would need to be requested by DHHS through SCC to VicPol SPOC. Formal request would be required and this could then be assessed as part of SPOC.

- (3) A PEEC log dated 15 April 2020 [**VPOL.0001.0001.0706**] records the following request:

Request received from SPOC for advice for the potential for NWM Pacer units to pro actively monitor those who are in compulsory isolation in relation to Op Soteria. Approach has been made by DHHS to explore this potential and do we have the resources to enact this request. State PEEC log task 50638 refers.

- 3.16 I have been made aware AC Grainger held discussions with DJCS in late June 2020 regarding a possible increased role by Victoria Police in the HQP, that may have included PSOs, police and sheriffs regarding security. I have no notes or recollection of any conversations in that regard.
- 3.17 Finally, I refer to an email sent to DC Nugent and me on 16 July 2020 at 8.14pm from Commissioner Crisp, forwarding a request from Rowena Hansen (Senior Executive Officer, COVID Accommodation and Enforcement, DHHS), requesting on site Victoria Police presence at two hotels where quarantine would occur for persons who are diagnosed as COVID positive, close contacts of persons diagnosed as COVID positive and persons with special circumstances (**Operation Soteria II**). A copy of this email is in the chain at **VPOL.0005.0001.1272**.

4 What was the response of Victoria Police to those requests? Why?

- 4.1 Victoria Police responded by providing the support and assistance requested of it and by fulfilling its roles and responsibilities as described in Operation Soteria and Operation Soteria II.
- 4.2 In relation to the request at paragraph 3.15(1), the PEEC log [**VPOL.0001.0001.4669**] records the following response:

Request forwarded to Inspector [REDACTED] Operation "SOTERIA" for attention.

Information via Operation SOTERIA (Insp [REDACTED]: N/S roving police patrols around nominated Hotels with COVID isolation guests. Tier 1 security from hotels (extras employed from Wilson Security) to maintain security of venues 24/7. Policing capacity is to bump in passengers into hotels.

DHHS updated and informed of operational procedures ([REDACTED] DHHS EMLO)

- 4.3 I understand from briefings I have received that the request came from the DHHS Emergency Management Liaison Officer who sits in the SPOC, and is the liaison officer for the COVID-19 Pandemic Response generally, not just just the HQP. My understanding is that it conveyed the view of a police officer present at the time that, at least for the first day or several days, it may assist to have police presence around the clock. I understand that this suggestion was considered by Inspector [REDACTED Personal Information] but he considered that there were no matters identified that would have

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required an increased police presence, given that there had been an increase in tier 1 private security, with a plan for a Police response via '000', and DHHS was informed, as set out in the PEEC log entry above.

- 4.4 In relation to the request at paragraph 3.15(2), I am advised that there is no record of DHHS subsequently making any formal request to the SPOC through the SCC.
- 4.5 In relation to the request at paragraph 3.15(3) above that PACER units be made available, based on the PEEC entry at **VPOL.0001.0001.0706**, I understand that PACER units were fully engaged in their regular duties of attending to persons apprehended under section 351 of the *Mental Health Act 2014* and there was no additional PACER capacity to assist in Operation Soteria, although PACER units would respond to people quarantined under Operation Soteria who met the usual criteria for PACER attendance. I understand, based on information provided to me for the purposes of this statement (being the information in paragraph 13.5 of the witness statement of Superintendent REDACTED dated 28 August 2020), that this was communicated to the DHHS Liaison at SPOC.
- 4.6 As to the request in respect of Operation Soteria II at paragraph 3.17, following the email from Commissioner Crisp, I tasked DC Nugent to work with Commissioner Crisp to develop the role of Victoria Police in Operation Soteria II. DC Nugent sent Commissioner Crisp an email at 2.37pm on 17 July 2020 confirming that Victoria Police would have the following role in Operation Soteria II [**VPOL.0005.0001.1272**]:

Confirming our discussions on the role of Victoria Police in support of health as the lead agency:

- *Police only be responsible for the security of two of the hotels (Brady and Grand Chancellor)*
- *To enforce the directions and detention orders of the Chief Health Officer (CHO)*
- *Will have a 24/7 presence at the entrance/ exit/ foyer of the hotels*
- *Will have roving patrols of floors to ensure compliance with CHO directions*
- *will respond to community safety incidents as required*
- *Police will accompany nurses/ other agency staff or hotel staff to floors /rooms where there is an identified risk*

5 Who do you understand made the decision(s) and/or gave the direction for the engagement of private security companies in the Victorian Hotel Quarantine Program?

- 5.1 I have no direct knowledge or understanding of who made this decision or gave a direction for the engagement of private security companies in the Victorian HQP. Apart from what I have referred to in answer to questions 2 and 3, I have no other source of information on this matter.

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6 Do you hold or have you held any reservations and/or concerns regarding the involvement of private security companies in the Victorian Hotel Quarantine Program?**If so, what are those views, reservations and/or concerns, when did you first form them and to whom, if anyone, did you express them?**

- 6.1 Anybody reading the newspapers would have reservations and concerns. If the media reporting is accurate I would hold concerns about the use of private security companies in the HQP in the manner that it is said to have occurred.
- 6.2 Prior to seeing these media reports, I had no grounds to form any reservations or concerns regarding the involvement of private security companies in the HQP. Victoria Police had only a supporting role in the HQP, which was in the control of DHHS. Victoria Police did not have responsibility for the overall supervision or management of the HQP. I was only briefed in relation to Victoria Police's role in the HQP, and I was satisfied that Victoria Police's role was being dealt with appropriately in the absence of any information to the contrary.
- 6.3 Media articles aside, I do not have a detailed understanding of the nature of the issues relating to the involvement of private security and whether they relate to lack of supervision, inadequate training, aberrant conduct by individuals, workload, or any range of other issues.
- 6.4 What I can say, by way of a more general comment, is that Victoria Police is able to work successfully with private security companies as "tier 1" security in the context of major events and sporting events with Victoria Police as "tier 2" support. Examples of this include large events, government and private conferences and summits, and visits to venues made by internationally protected VIPs. At these events, there is a police presence but private security make up a majority of the personnel maintaining order. We are using the same model at the new Victoria Police Centre in Spencer Street. This model assumes that private security personnel have adequate skills and training and operate under adequate advice and supervision. I do not consider that the involvement of private security companies in the HQP would be inappropriate, subject to adequate skills, training, advice and supervision being in place. I recognise that the HQP is different from the examples above and has the added overlay with respect to the risk of infection.
- 6.5 I do not have direct knowledge of the following two matters, however I am now aware of them as a result of being briefed on the information and documents that Victoria Police has disclosed to the Board of Inquiry:
- (1) The "security forum" arranged by Victoria Police on 16 April 2020 to ensure consistency between the understanding of DHHS, private security companies and Victoria Police regarding the nature of the support that Victoria Police would provide to private security companies, and the arrangements for exercise by quarantined persons. I refer again to paragraph 3.14(4) above.

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- (2) An email of Inspector [REDACTED] dated 17 April 2020 [VPOL.0007.0001.0262], in which Inspector [REDACTED] set out his observations of quarantined persons exercising outside the Pan Pacific Hotel and his concerns regarding the need for planning of outdoor exercise by quarantined persons and regarding private security potentially being reluctant to engage with any person attempting to decamp. I am satisfied from the email chain dated 18 April 2020 [VPOL.0002.0007.0033] that this matter was appropriately notified to DHHS.

6.6 I am aware that the Licensing & Regulation Division of Victoria Police (LRD) has received formal complaints about private security companies and personnel involved in the HQP. These complaints are under investigation. In addition, I am aware that DJPR has incident reports about issues relating to the conduct of private security guards in the HQP and LRD is seeking access to this information.

7 To your knowledge was there any:

- (a) resistance;
- (b) other attitude (and, if so, what attitude),

by Victoria Police, or any (and, if so, which) members of Victoria Police executive, to the involvement of Australian Defence Force personnel in the Victorian Hotel Quarantine Program?

7.1 No, I am not aware of any resistance or of any other attitude. As a support agency, I believe our collective focus was on providing police assistance for the HQP.

7.2 I refer again to my note of the conference call with CCP Ashton and the DCs at 7pm on 27 March 2020 in paragraph 3.3. As I have said, I do not have a recollection of this call.

7.3 I refer again to the email sent to me by DC Rick Nugent at 6.40am on 28 March 2020 [VPOL.0004.0001.0040] in relation to aspects of the planning of the HQP referred to in paragraph 3.5(2), which includes:

I did suggest, if increased risks/ issues were identified, ADF could have a role in this regard.

7.4 The possibility of involvement of ADF personnel in Operation Soteria was not raised with me again after 28 March 2020, either from within Victoria Police, or by the ADF or anyone else.

7.5 My diary contains the following notes on Monday 30 March 2020 at 1100 [VPOL.0005.0001.1298 at .1301] which is a meeting of the IMT which took place following the ExComm meeting that day:

1100 A/Item	Conclude – attend SPOC – chair IMT – as per minutes ADF to work (1) Triage/supervisory re PAL-sentinel and (2) Support sentinel – back of house. Advised they have 30x ADF for this, with a future 70x available. (They would like to be more visible). Plus would like to know if there was a “trigger point” when we would arrange using them in another role (with the extra 70). I/S I’d work through and come back to them.
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7.6 The minutes of the IMT meeting record as an action [VPOL.0029.0001.0001 at .0009]:

Plan to be developed of how ADF will support Victoria Police with spot checking

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IMT #16 – Ongoing

IMT#17- looking at what ways ADF can assist VicPol in 'back of house' function. Discussing with PAL triage work – ADF may be able to provide support in this area.

ADF may also support back of house function – calls and checking people who should be self-quarantining currently working through with Supt [REDACTED Personal]

Will adapt plans into an MOU once determined and progress through Legal Services Department for consideration.

- 7.7 My diary records that on 30 March 2020 at 1307 I was telephoned by the CCP. My diary note at 1307 relevantly states [VPOL.0005.0001.1298 at .1301 and .1302]:

2. Discussed Op. Soteria - agreed as I/state, and also all other agencies have had face masks on, members her [sic] should have for that op. given risk involved. I advised instruction to Comm Tully to ensure those involved in that op. must wear masks during it.

...

...

3. Appetite for ADF to be "on ground", visual. Discussed same. CCP stated 'back of house' at this time. Unable to say what would be a 'trigger' to activate them further, but it would simply be when that eventuated or was required due to capacity. Me to provide feedback/advice to [REDACTED Personal Information] (ADF co-ordinator). Also [REDACTED] developing a model re back of house.

- 7.8 My diary note records that on 31 March 2020 at 1524 I telephoned Brigadier [REDACTED] My diary note at 1524 [VPOL.0005.0001.1298 at .1304] states:

discussed ADF involvement in COVID-19 response & assistance. At this stage 'back of house' at PAL etc.

Back of house support and the Police Assistance Line (PAL) were areas where ADF support to Victoria Police had been discussed and were not related to the HQP.

- 7.9 My diary notes also record discussions on 1 April 2020, 4 April 2020 and 6 April 2020 regarding a request made to the ADF for the use of drones to assist with Operation Hawkeye, conducted during the Easter holiday period to provide aerial vision of public places across Victoria to enable timely, efficient and effective deployment of police to enforce the Chief Health Officer (CHO) Directions relating to social gathering in public places [VPOL.0005.0001.1298 at .1305, .1306 & .1307].
- 7.10 In summary, Victoria Police was utilising ADF resources in a number of ways and we were looking at other areas where they could assist, and we had in fact sought additional resources and capability in terms of drones. That assistance was formalised by a Memorandum of Understanding made between Victoria Police and the ADF in early April 2020, under which the ADF provided personnel to assist with isolation and quarantine compliance, including with the Police Assistance Line (PAL).

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8 Were the fact of the resistance or the substance of the other attitudes identified in relation to the answer to the previous questions conveyed to any (and, if so, which) Victoria government officials or Departments? When and how?

8.1 As I am not aware of any resistance or other attitude, I have nothing to state in answer to question 8.

COMDISPLAN

9 What is the COMDISPLAN?

9.1 It is the Commonwealth Disaster Response Plan 2017.

10 During the Relevant Period who, to your knowledge, had authority to request non-financial assistance from the Commonwealth pursuant to COMDISPLAN?

10.1 I am not aware of who has authority under the COMDISPLAN, but I am aware that requests for Commonwealth assistance are made via the Emergency Management Commissioner. Recent protocols that have been generated by the Emergency Management Commissioner make it clear all such requests for assistance of ADF are required to be made via him.

11 To your knowledge, was non-financial assistance requested from the Commonwealth by, or on behalf of Victoria in relation to the Hotel Quarantine Program, either pursuant to COMDISPLAN or otherwise? If so, who made the request(s), when and what was requested? If not, why not?

11.1 I am not aware of any such request being made by or on behalf of Victoria Police. The Victoria Police request via the Emergency Management Commissioner for ADF drones that has been reported in the media on or around 20 August 2020 was not for the HQP but to support the Victoria Police enforcement of the Chief Health Officer directions in relation to Operation Sentinel.

Communications with CCP

12 Were you involved in communication with Australian Defence Force personnel on or about:

- (a) 31 March 2020;
- (b) 14 April 2020; and/or
- (c) Otherwise,

which concerned the Hotel Quarantine Program in Victoria, or elsewhere in Australia? What was the substance of that communication and who was involved in it?

12.1 No.

12.2 I have a diary note that on Tuesday 31 March 2020 at 3.24pm I telephoned Brigadier REDACTED Personal information as set out in paragraph 7.8 above.

12.3 I had a video meeting on Thursday 14 May 2020 in my role as the SPC, which included ADF personnel, who I believe included Brigadier REDACTED and Major General REDACTED. My diary note of this

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meeting only states “re Covid response” [VPOL.0005.0001.1298 at .1308]. I recall that this was a general conversation at the request of Major General REDACTED
Personal inf and to my recollection did not include discussion of the HQP. I thanked him for the assistance of the ADF personnel who were working with Victoria Police. From recollection, we discussed the Victoria Police Service Delivery Plan, which we had designed in conjunction with the ADF. This plan has five “tiers” relating to Victoria Police staff absenteeism and how we would deal with it. In tier 4, where Victoria Police has 40% absenteeism, there is a ‘trigger’ for a further consideration for ADF resources for assistance to Victoria Police. I believe that this plan was discussed. At that time, and now, we have minimal absenteeism and are still in tier 1 of the plan.

- 13 **Were you, or (to your knowledge) was anyone on your behalf, involved in communication with the Victorian Minister for Police (or her delegate) on or about 24 June 2020 which concerned:**
- (a) **the Hotel Quarantine Program in Victoria, or elsewhere in Australia?**
 - (b) **the role of Australian Defence Force in the Hotel Quarantine Program in Victoria?**
 - (c) **the role of Victoria Police Members (including Protective Services Officers) in the Hotel Quarantine Program in Victoria?**
 - (d) **any request which had been made for assistance by Australian Defence Force personnel in relation to Victoria’s response to the COVID-19 pandemic?**

What was the substance of that communication and who was involved in it?

13.1 In answer to each of the above questions (a – d) I say:

- (1) I was not involved in any such communications.
- (2) I have no recollection or knowledge of any communications by anyone in that regard on 24 June 2020.

13.2 In preparations for PAEC in August 2020, I was reminded of a phone call I received from Secretary Rebecca Falkingham (Secretary, Department of Justice and Community Safety (DJCS)) which I believe I received some time in the late afternoon of Thursday 25 June 2020.

13.3 I now have a vague recollection of that call which occurred while I was in a “handover” meeting with CCP Ashton in preparation for me transitioning into the role of CCP. My recollection is broadly that the call was only about a minute or so and, in that brief time, I was informed that DJCS was re-setting the HQP or similar and wanted to have discussions with Police over what our role would be. I believe Ms Falkingham and I agreed that she would ensure discussions occurred with either DC Nugent or AC Grainger as to what our role would be needed for and that would be followed up the next day by her. I have no knowledge nor recollection of any other conversation personally, or by others, in respect of this matter.

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14 To your knowledge, during the Relevant Period, did any member of Victoria Police communicate with or convey to Australian Defence Force personnel that Australian Defence Force assistance:

- (a) was not required;
- (b) was not required to be expanded or extended;
- (c) was to be reduced,

in relation the Victorian Hotel Quarantine Program? If so, who made that/those communications and why?

14.1 Not to my knowledge. I understand that the decision as to whether to involve ADF personnel was made without Victoria Police involvement well before I commenced as the Chief Commissioner of Police.

14.2 I consider that it is important to differentiate the question about ADF involvement in the HQP from ADF assistance in support of the Victoria Police's enforcement of the Chief Health Officer's directions in the Victorian community generally. An ADF Liaison Officer attends the SPOC to contribute to the enforcement planning and response activities for which Victoria Police is responsible. The ADF personnel accompanying police and carrying out a range of administrative and engagement activities are doing so separate from the HQP.

Further Information

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

15.1 I have nothing further to add at the time of providing my statement.

Dated 10 September 2020



.....
Shane Andrew Patton