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- 58 DJPR was responsible for discharging its responsibilities as Support Agency, which necessarily involved providing logistical support and escalating issues, including seeking appropriate and tailored advice on infection control procedures from DHHS. However, assessing the suitability of service providers from an infection control perspective or otherwise identifying or assessing systemic public health risks that might arise in a detention program directed to infection control by reason of the deployment of certain cohorts of workers in the Program was beyond DJPR's remit as Support Agency and outside its core expertise as a government department.
- 59 To the extent that a review of whether or not private security remained a suitable workforce for the performance of roles in the Program, responsibility for initiating and/or conducting that review sat with DHHS as the Control Agency and the organisation with the appropriate expertise. Indeed, it was not until after the Stamford outbreak in mid-June 2020 that DHHS became concerned that security personnel were not the appropriate workforce to have in place,<sup>63</sup> despite being aware that there were individual incidents that were managed locally.

## D. DJPR selection and oversight of private security companies

- 60 In their closing submissions, Counsel Assisting submitted that it was open to the Board to find that:
- (a) the initial process for identifying security contractors was flawed in that DJPR should have used the State Security Contract to identify appropriate security contractors;<sup>64</sup>
  - (b) there was insufficient due diligence undertaken by DJPR before formal contracts with security contractors were signed;<sup>65</sup>
  - (c) personal observations were permitted to override ordinary procurement practices;<sup>66</sup>

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<sup>62</sup> Exhibit 32 – Witness statement of Ms Claire Febey at [102], [111] (DJP.050.010.0000 at .0024-.0025).

<sup>63</sup> T2002.43-46 (Peake).

<sup>64</sup> T2265.32-34 (closing submissions of Mr Neal QC).

<sup>65</sup> T2265.34-37 (closing submissions of Mr Neal QC).

<sup>66</sup> T2265.37-38 (closing submissions of Mr Neal QC).





























































































