

Board of Inquiry into the COVID-19 Hotel Quarantine Program

SUBMISSIONS OF IKON SERVICES AUSTRALIA PTY LTD

Introduction

1. These submissions are made on behalf of IKON Services Australia Pty Ltd (**IKON**) in response to the oral submissions made by Counsel Assisting to the Board of Inquiry into the COVID-19 Hotel Quarantine Program (**Board**) on 28 September 2020.¹
2. IKON provides tailored commercial cleaning and facilities management services, including infectious cleaning and hygiene services, across a wide range of industries and clients. It directly employs a permanent workforce and specifically does not engage contractors or sub-contractors. It trains its staff directly.²
3. IKON was engaged by the Department of Jobs, Precincts and Regions (**DJPR**) to provide infectious cleaning services at rooms within hotels where the occupier of the room had been quarantining as part of the Hotel Quarantine Program (**HQP**).³ The infectious cleaning involved sanitising and disinfecting of the rooms and the use of a fogging machine to ensure surfaces were free of bacteria and germs.⁴ It used chlorine based chemicals (ie bleach) to fog the rooms and a bleach and a disinfectant to clean hard surfaces.
4. IKON's infectious cleaning services ensured the rooms were safe for someone else to enter to carry out further services without being at risk of infection from COVID-19.⁵ IKON was not engaged to perform standard hotel cleaning services (such as making beds or vacuuming carpets). Rubbish and cutlery etc were removed in bio-waste bags. As requested on an ad hoc basis by hotels, it would also remove and bag linen.⁶ IKON's tasks were clearly not in the nature of hotel housekeeping services.
5. IKON's infectious cleaning manager or supervisor would check each room after the infectious clean.⁷ IKON performed infectious cleans of well over 1000 hotel rooms as part of the HQP.⁸ It never received any complaints or negative feedback about the quality of that work.⁹

¹ IKON was granted leave to appear and make submissions by order dated 8 September 2020 (No. ORD-0037). Its General Manager, Michael Girgis, appeared as a witness at the public hearings on 11 September 2020. Mr Girgis' witness statement was Exhibit 128 and the Annexures to his witness statement were Exhibit 129.

² Exhibit 128, WIT.001.0027.0002, [7]-[11].

³ Exhibit 83, DJP.215.001.0430.

⁴ Exhibit 83, DJP.215.001.0458.

⁵ Exhibit 83, DJP.215.001.0458.

⁶ Transcript P-1250:5-27 (Girgis).

⁷ Transcript P-1251:35 (Girgis).

⁸ Exhibit 129, WIT.001.0027.0047; Transcript P-1262:15 (Girgis).

⁹ Transcript P-1262:15 (Girgis).

6. IKON was separately engaged by DJPR to clean the common areas of hotels on some occasions.¹⁰ IKON used the same infectious cleaning method in those areas that it used in the rooms.¹¹
7. In its infectious sanitising work outside of the HQP, IKON's clients commonly arrange for swab testing of the area that has been infectiously cleaned to test whether the area is clear of pathogens following the infectious clean.¹² IKON has been performing infectious cleaning services for a number of years and swab testing of its cleaning has always come back negative.¹³

Cleaning at the Rydges Hotel

8. IKON was contacted by DJPR at around 4:30pm on 27 May 2020 to request an infectious clean of the common areas at the Rydges on Swanston, 701 Swanston Street, Carlton (**Rydges**).¹⁴ Within seven minutes of the DJPR Commander (Ms May) emailing her Project Officer (4.29pm on 27 May), the Project Officer replied to her, confirming IKON had been engaged for the clean (4.36pm on 27 May). IKON clearly responded immediately and positively to the Government's request.¹⁵
9. IKON was not informed why this clean was being requested.¹⁶ IKON agreed to perform this cleaning service commencing the next morning, on 28 May.¹⁷ There can be no criticism made of IKON for any delay in relation to the performance of this clean.
10. IKON's General Manager, Michael Girgis, could not recall whether IKON was given a timeframe in which to conduct this clean.¹⁸ However, IKON was cleaning 30 rooms at another hotel in the HQP on 27 May 2020 and Mr Girgis in his oral evidence raised the possibility that it therefore was not possible to do the clean that night (ie because his staff were engaged on that other job).¹⁹
11. IKON proceeded to clean the Rydges common areas on 28 May as directed.²⁰

¹⁰ Transcript, P-1255:45 (Girgis).

¹¹ Transcript P-1256:10 (Girgis).

¹² Transcript P-1262:5 (Girgis).

¹³ Transcript P-1262:10 (Girgis).

¹⁴ Transcript, P-1257:5 (Girgis).

¹⁵ Exhibit 83, DJP.103.005.3055.

¹⁶ Transcript, P-1256:10 (Girgis).

¹⁷ Transcript, P-1257:25 (Girgis).

¹⁸ Transcript P-1257:25 (Girgis).

¹⁹ Exhibit 129, WIT.001.0027.0047; Transcript P-1257:25 (Girgis).

²⁰ Exhibit 129, WIT.001.0027.0047.

Mr de Kretser's rooms

12. IKON provided infectious cleaning services of rooms at the Rydges on 3 June 2020²¹ including the rooms that were occupied three and a half weeks later by Hugh de Kretser and his family (from 27 June 2020).²²
13. Mr de Kretser described finding toys and rubbish on the floor, stains on the doonas and walls, mould in the bathroom and dust.²³ Mr Girgis was emphatic in his oral evidence that this was not the standard in which IKON had left the rooms on 3 June.²⁴ He was unable to explain what had happened to the room in the three and a half weeks since IKON conducted the infectious clean.²⁵ Given the passage of time and given IKON had no control over the room once it had completed its infectious clean, it is entirely reasonable that Mr Girgis was unable to speculate what had happened in the intervening period.
14. Notably, no party sought to cross-examine Mr Girgis on this point (or at all) and no one sought to challenge his evidence that IKON did not leave the room in the state in which Mr de Kretser found it.
15. Council Assisting the Board subsequently submitted that there was an unsatisfactory vacuum in the evidence before the Board as to how it was that the room was in the state that Mr de Kretser and his family found it on 27 June 2020.²⁶
16. At the close of evidence, DJPR tendered a bundle of documents. Crucially, among that bundle of documents, is an email chain dated 14 June – 18 June²⁷ that fills the evidentiary vacuum and exonerates IKON from any responsibility for the state of Mr de Kretser's room.
17. The email chain also shows that the hotel had informed the Government of this on 14 June.
18. It is useful to set out the content of the email chain here:
 - (a) On 14 June 2020, Ms May of DJPR emailed the hotel's general manager, noting that DHHS had given feedback after an inspection of the hotel the previous week, and requesting a follow-up clean of certain areas in rooms and elsewhere.
 - (b) In her email, Ms May expressed a belief that IKON had cleaned the rooms in question.

²¹ Exhibit 129, WIT.001.0027.0047.

²² Transcript P-1260:25 (Girgis).

²³ Exhibit 16, WIT.001.009.0005, [29].

²⁴ Transcript P-1261 (Girgis).

²⁵ Transcript P-1261:20 (Girgis).

²⁶ Transcript P-2250:20 (Ihle).

²⁷ Exhibit 83, DJPR.115.003.1196.

- (c) Later the same day, the hotel manager replied to the email making clear that it was not IKON's role to clean the rooms. The manager set out the procedure as follows:
 - (i) IKON removed garbage bags and sanitised the rooms (we know that happened on 3 June²⁸).
 - (ii) From 12 June to 14 June hotel cleaning staff cleaned all of the rooms at the hotel and got them "ready for the next arrival".
 - (d) On 17 June, the hotel manager informed Ms May that a further DHHS inspection had "noticed a few concerns" and the hotel had "got onto it right away."
 - (e) The hotel manager noted in that email that the hotel was expecting a further (ie a third) DHHS inspection.
 - (f) The DHHS inspection appears to have taken place on 18 June and on the same day the hotel manager appears to have informed the DJPR Accommodation Support Project Officer that the DHHS had inspected and given the hotel the "all clear".
19. In summary, then, IKON performed its contracted sanitising service on 3 June. In the weeks after that date and before Mr de Kretser entered the hotel, hotel staff cleaned quarantine rooms up to two times and DHHS staff inspected them up to three times. Above all else, the newly discovered email chain confirms that hotel cleaning staff were expected to clean the room after IKON sanitised it.
20. In those circumstances, Mr Girgis's unchallenged evidence that IKON did not leave the room in the state Mr de Kretser found it must be accepted.
21. How the room came to be in the state found by Mr de Kretser, and who had entered it after IKON on 3 June 2020 (and when and how many times), is a matter entirely for the hotel, DJPR and DHHS to explain. That explanation does not, and cannot, involve IKON.

Other matters

22. No IKON staff who were involved in the HQP have tested positive for COVID-19.²⁹ Further, none of IKON's 1,300 employees have tested positive for COVID-19 due to their work duties despite having been exposed while performing cleaning services.³⁰
23. The use by IKON of direct employees only to perform infectious cleans meant IKON used employees who were experienced and trained in infectious cleaning. This contributed to IKON being able to provide these services to a high standard and without having any staff test positive for COVID-19.

²⁸ Exhibit 129, WIT.001.0027.0048

²⁹ Exhibit 128, WIT.001.0027.0016, [86].

³⁰ Exhibit 128, WIT.001.0027.0015, [82].

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