

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

**OUTLINE OF SUBMISSION ON BEHALF OF WILSON SECURITY PTY LTD**

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**A. Executive Summary**

1. When first considering the role of Wilson Security in the Hotel Quarantine Program, it is necessary to first acknowledge the core objective of the program itself – to avoid the risk of infection of COVID-19 amongst and into the Victorian community.
2. Judged by that fundamental criteria, we observe that none of the security staff stationed at Wilson Security's hotels during the Hotel Quarantine Program contracted COVID-19<sup>1</sup> nor was there an outbreak of COVID-19 from any of the hotels at which Wilson Security provided services through the Hotel Quarantine Program.
3. This was not simply serendipitous.
4. Wilson Security did not wait for or rely on others for infection control guidelines – it sought to ensure that its infection control processes were fit for purpose and, on the evidence, did so effectively.
5. In doing so, Wilson Security drew on its substantial experience, including working in environments where there was a high risk of transmission in COVID-19,<sup>2</sup> an understanding of how to communicate and train its workforce on guidelines that needed to be implemented,<sup>3</sup> and experience working with government departments and planning sensitive logistical operations.<sup>4</sup>
6. Wilson Security is the case study of how private security can and should be deployed effectively to provide *security* in a *quarantine* environment.
7. The Board of Inquiry is no doubt conscious of the capacity for the Board's findings (and even association with the Hotel Quarantine Program itself) to adversely affect reputations and ongoing commercial relationships. In that context, Wilson Security respectfully submits that the Board ought to explicitly recognise the positive role Wilson Security played in mitigating against infection and promoting proper infection control processes in the delivery of its security services. Equally, with respect to Wilson Security and all participants, the Board ought to be slow to draw adverse conclusions, unless demonstrated by supporting and specific evidence.
8. The processes, procedures and controls that Wilson Security implemented to manage the risk of transmission of COVID-19 are set out at length in the statement of Gregory Robert Watson signed on the 2<sup>nd</sup> of September 2020. Mr Watson's evidence (and that of his colleague Mr Hogan) was accepted without challenge. There was no application for leave to examine Mr Watson by any interested party. The Board should accept that Mr Watson was a credible witness whose evidence was clear, considered, and accurate.

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<sup>1</sup> Watson statement at [190], [191]

<sup>2</sup> Watson: T783 – T784; T800 – T801

<sup>3</sup> Watson: T800 – T801

<sup>4</sup> Watson: T801 – T802

9. While it might be said that other parties and Departments involved in the Hotel Quarantine Program gave disproportionate primacy to logistical issues, in contradistinction Wilson Security implemented rigorous infection prevention and control measures on its own initiative to minimise the risk of transmission of the virus at its hotels, including:
- a) obtaining advice from an external medical expert;<sup>5</sup>
  - b) creating supply lines and tasking a procurement team to obtain Personal Protective Equipment (**PPE**) to ensure a continuous supply to all its security guards for the full duration of the program;<sup>6</sup>
  - c) developing, implementing and overseeing stringent guidelines for the use of PPE that were more extensive than those ultimately advised by the Department of Health and Human Services (**DHHS**) – including the use of masks, gloves and safety goggles, as well as physical distancing guidelines;<sup>7</sup>
  - d) developing, implementing and overseeing infection prevention and control measures – including temperature checking procedures, questionnaires required to be completed by guards before every shift to ensure they did not work whilst infectious and to avoid guards working across multiple hotels;<sup>8</sup>
  - e) developing and implementing a rigorous process for ensuring that guards were educated in the use of PPE through multiple modes of training and ongoing reinforcement;<sup>9</sup> and
  - f) seeking to clearly define the tasks guards would be involved in, and implementing infection prevention and control measures that were appropriate and adapted to each of those duties.<sup>10</sup>
10. The evidence is that Wilson Security's measures went beyond the standards ultimately implemented by the DHHS. For example, Wilson Security introduced temperature testing months before that was requested by the DHHS.<sup>11</sup>
11. As counsel assisting has identified, there was an inadequate focus on the need for rigorous infection prevention and control measures by those 'in charge' (whoever that may be).<sup>12</sup> In Wilson Security's view, infection control and the safety of its guards was too important a responsibility to wait for guidance or advice from others. This was prescient, as such advice was not forthcoming. In doing so, Wilson Security achieved its primary and overriding objective as a service provider to the Hotel Quarantine Program: to appropriately mitigate against the risks that the virus would be transmitted from returned travellers to its guards and

<sup>5</sup> Watson: T787 and T792 – T793; Watson statement at [145] to [159]

<sup>6</sup> Watson: T791

<sup>7</sup> Watson: T792; Watson statement at [100] and [164(c)(i)]

<sup>8</sup> Watson statement at [170] to [189]

<sup>9</sup> Watson statement at [118] to [135]

<sup>10</sup> Watson statement at [149]

<sup>11</sup> Watson: T793; Watson statement at [173] to [175]

<sup>12</sup> Counsel assisting: T2241

into the community. This was notwithstanding resistance that Wilson Security faced to its approach to infection control from Departmental representatives during the course of the Hotel Quarantine Program.<sup>13</sup>

12. Wilson Security's focus on infection control not only was at odds with those 'in charge' and who it contracted with, it resulted in the misconceived perception that Wilson Security was being 'unhelpful' or even 'difficult'.<sup>14</sup> The evidence shows this criticism was completely unwarranted,<sup>15</sup> and likely the result of a greater experience and understanding of the risks and complexities of the operation on the part of Wilson Security than those it was liaising with who had a disproportionate focus on logistics over infection control.<sup>16</sup>
13. Wilson was, as the evidence has made clear, judged using the wrong criteria.<sup>17</sup> That resulted, somewhat perversely, in primacy being given to an off-panel, largely untested provider, and the contractor with the most rigorous infection control approach being allocated the fewest number of hotels in the program.<sup>18</sup>
14. There was, as the evidence establishes, no relevant 'failure' at Wilson Security's hotels,<sup>19</sup> despite the difficulties it encountered operating in an environment characterised by an overarching lack of understanding of infection control risks and the proper role and responsibilities of security guards. As Wilson Security's experience demonstrates, security providers appropriately vetted and engaged, and operating within a proper infection control framework with adequate training, supervision and monitoring, can be and are entirely appropriate to be used in a quarantine environment.
15. As the submissions below identify, counsel assisting's address contained certain broad statements of purportedly general application. In so far as they were intended to relate to Wilson Security, a number of those submissions are inaccurate and contrary to the evidence. Noting the potential impact of adverse findings in this matter, Wilson Security respectfully cautions the Board against accepting as correct statements or submissions of such broad and general application unless established clearly on the evidence. This is particularly so given counsel assisting identified in the closing address that Wilson Security's approach to the HQP could be characterised as being "*driven by a greater experience and understanding of the logistical complexity of this operation and a greater sense perhaps of the risks that it posed to staff*".<sup>20</sup>

#### *Wilson Security's Approach to this Submission*

16. By these submissions (and acknowledging the volume of evidence and number of interested parties) Wilson Security seeks to assist the Board by focusing on those matters identified in

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<sup>13</sup> Watson statement at [104]

<sup>14</sup> Watson: T789

<sup>15</sup> Currie: T467, T468

<sup>16</sup> Counsel assisting: T2220

<sup>17</sup> Counsel assisting: T2221

<sup>18</sup> Counsel assisting: T2222

<sup>19</sup> Watson: T781 and Watson statement at [190] – [191]

<sup>20</sup> Counsel assisting: T2220

counsel assisting's closing address that touch upon Wilson Security's interests. Wilson Security has not responded to all of the questions raised by counsel assisting. Instead, Wilson Security has responded to matters where it believes that it could add value to the further consideration and deliberation of certain issues.

17. This submission is structured as follows:
- a) **Section B:** summary of Wilson Security's approach to infection prevention and control
  - b) **Section C:** the Hotel Quarantine Program
  - c) **Section D:** was it appropriate to use private security in the Hotel Quarantine Program

## **B. Wilson Security's Approach to Infection Prevention and Control**

### *Focus of the program*

18. As counsel assisting have identified, the core focus of the Hotel Quarantine Program ought to have been the control of the risk of spread of COVID-19 from hotels at which returning travellers were quarantined.<sup>21</sup>
19. In our submission, the risk of transmission of COVID-19 from quarantine hotels could have been eliminated, or better managed, if either:
- a) the government departments involved in the Hotel Quarantine Program had been focused on infection prevention and control; or
  - b) the government departments had more carefully identified the 'right' providers, namely those who had been properly vetted, had a strong and long history of performance and had experience in managing risks of transmission associated with COVID-19.
20. Neither of those occurred.
21. Insufficient focus was given by any government department involved to the management of infection prevention and control risks posed to those that worked in the Hotel Quarantine Program.<sup>22</sup>
22. By way of example, Wilson Security only received infection prevention and control guidelines on 29 May 2020,<sup>23</sup> some 8 weeks into its commencement in the Hotel Quarantine Program. Those guidelines did not require security guards to wear masks or use PPE where they could maintain physical distancing from returned travellers.<sup>24</sup> That guidance proved to be inadequate, but for Wilson Security this was at least inconsequential, as it already had in hand a full framework of training, supervision, incident escalation and temperature and health checks for its guards.

<sup>21</sup> Counsel assisting: T2241

<sup>22</sup> Counsel assisting: T2265 – T2266

<sup>23</sup> Watson statement at [99(d)]

<sup>24</sup> Tab 18 to Exhibit GRW-1 (Exhibit 63)

*Wilson Security's role*

23. In the absence of either the DHHS or the Department of Jobs, Precincts and Regions (**DJPR**) providing effective infection control guidance, Wilson Security implemented its own measures as noted above, and sought clarity early in the program on the roles and duties of security guards, and in particular the risks associated with the transmission of COVID-19 of those tasks. Those requests and concerns were met with:
- a) criticism before Wilson Security had started work on the program, with DJPR branding it as being 'difficult', 'unhelpful' and 'precious';<sup>25</sup>
  - b) the threat of a \$20,000 fine;<sup>26</sup> and
  - c) Wilson Security managing only two to three hotels at one time.<sup>27</sup>
24. The infection control measures that Wilson Security put in place included:<sup>28</sup>
- a) the early engagement of an independent external medical expert to advise on infection prevention for COVID-19. This underpinned the Wilson Security training, policies and operational procedures for its guards from the commencement of the program and as it evolved;<sup>29</sup>
  - b) the establishment of a dedicated cell of operational leads (including those with risk-management expertise) to ensure that the Wilson Security Hotel Quarantine Program response was appropriately resourced both in terms of skill, expertise and dedicated focus to this program's delivery;<sup>30</sup>
  - c) the catering of meals and refreshments to guards, at Wilson Security's cost, to avoid where possible them travelling to outside restaurants during breaks;<sup>31</sup>
  - d) providing a clear PPE and infection control policy, and sourcing PPE for all Wilson Security's guards through supply channels;<sup>32</sup>
  - e) from very early in the program, implementing temperature checking procedures for each guard at the beginning of every shift. Wilson Security was asked to share (and did share) information with the Victorian government about its temperature testing arrangements, including information about the instruments used and training provided to staff. From 24 June 2020, the Victorian government confirmed that it was mandating temperature checks at all hotel quarantine sites;<sup>33</sup>

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<sup>25</sup> Currie: T467 and T468; Exhibit 182

<sup>26</sup> Watson: T789

<sup>27</sup> Watson statement at [116]

<sup>28</sup> Watson statement at [38]

<sup>29</sup> Watson statement at [145] to [159]

<sup>30</sup> Watson statement at [10] – [11]

<sup>31</sup> Watson statement at [164(c)(iii)]

<sup>32</sup> Watson statement at [164(c)(i)]; Watson T-791

<sup>33</sup> Watson statement at [170] to [175]

- f) implementing Declaration of Fitness forms that guards were required to complete (with their shift supervisor) at the beginning of each shift;<sup>34</sup>
  - g) limits on the ability of guards to work across multiple hotels, first through requests to subcontractors and later through requiring guards to declare that they had not attended another hotel in the previous fourteen days;<sup>35</sup>
  - h) ensuring that the functions security guards performed were appropriate in light of their powers and minimised the risk of infection, including:
    - a) guards performing visual searches of deliveries only (the ‘footy bag’ search);
    - b) guards declining responsibility for cleaning; and
    - c) the consideration of performing duties that DJPR requested Wilson perform with a lens of infection control;
  - i) ensuring a strong presence of highly experienced Wilson employees as Site Managers as a second layer of oversight to the site supervisors;<sup>36</sup> and
  - j) providing free or subsidised parking for our guards to reduce cross-contamination or transmission risks associated with car-pooling or public transport travel.<sup>37</sup>
25. These measures meant that the risk of transmission of COVID-19 was appropriately managed for Wilson Security’s guards. The management of those risks explains why returned travellers at hotels Wilson Security was guarding did not spread COVID-19 to the broader community, and particularly that guards performing work for Wilson Security during the Hotel Quarantine Program did not contract COVID-19.

*Private security generally*

26. In the absence of the government putting in place appropriate measures, it should have selected a private security operator that it could be assured would put in place appropriate measures, particularly where the government contractually required the providers to be responsible for doing so. While it is the evidence of representatives of the DJPR that the contracts were not intended to be “*an abdication of responsibility*”, the outcome in practice is inconsistent with that stated intention.<sup>38</sup>
27. As the Inquiry has indicated the evidence demonstrates, government departments did not put into place appropriate measures,<sup>39</sup> nor did they turn their minds to the question of the capability of private security providers to provide infection prevention and control measures

<sup>34</sup> Watson statement at [180] to [189]

<sup>35</sup> Watson statement at [182]

<sup>36</sup> Watson statement at [15]

<sup>37</sup> Watson: T791

<sup>38</sup> Note Phemister at [144] notes that although security companies had contractual responsibility for certain arrangements, “*that was by no means an abdication by the State of its responsibilities*”. Mr Phemister identifies two matters indicating the circumstances in which he said the State performed responsibilities security companies had contractual responsibilities for. Mr Phemister amended his statement at the time of its tender in relation to the first of these [T1811] and in relation to the second, he was “*not in a position to assist the Inquiry with whether or not*” the briefings were actually carried out in all instances [T1872]

<sup>39</sup> Counsel assisting: T2256

for their workplaces.<sup>40</sup> This was so even though Wilson Security identified this need from the first communications about the Hotel Quarantine Program,<sup>41</sup> and also offered to discuss its expertise and learnings from other COVID-19 quarantine programs with the DJPR. As the Inquiry heard, this was never taken up by the DJPR with the result that lessons that Wilson Security had identified were not more broadly implemented.<sup>42</sup>

28. Wilson Security reiterates that the Board should be cautious to make any finding which suggests that the industry in general was inappropriate for deployment to the program, particularly given that the evidence demonstrates that Wilson Security was able to, and did, deliver successful security services to prevent the spread of COVID-19 in its hotels. As Wilson Security has demonstrated through its preparation for the Hotel Quarantine Program and its actions during it, private security is, in our submission, an appropriate workforce to perform security functions required in a hotel quarantine program or indeed another iteration of quarantine control.
29. The role of any provider participating in the Hotel Quarantine Program is to understand the nature of its workforce, including its legal obligations and limitations, strengths and weaknesses.
30. Part of any security provider's responsibility is to understand how best to communicate messages to its workforce, provide training, and engage adequate supervision, and identify the best way to reinforce relevant messaging and requirements.
31. The evidence confirms that Wilson Security appreciated the need to ensure this, and further, the evidence indicates that it did so effectively.<sup>43</sup>
32. The role of private security as part of the Hotel Quarantine Program was initially 'static guarding'. That is a fundamental duty of a security officer, and a role that security guards are familiar with and qualified to perform. The infection risk associated with such a role, with appropriate infection prevention and control measures, is limited.
33. The infection risk is, of course, heightened when security guards are asked, in the context of an infectious diseases quarantine program, to perform additional roles which require them to move about the area, and touch objects and surfaces frequently, such as supervising fresh air walks, lifting bags, searching bags and packages, food delivery, and cleaning of common areas. In relation to each of these, Wilson Security sought expert advice and minimised the risk to its guards in accordance with that advice.
34. In addition to the above, the evidence indicates that hotel security were utilised in The Brady Hotel, and successfully so in the context of a 'hot hotel'. In that regard, the use of security guards to perform activities in the Hotel Quarantine Program, even in aspects that carry a

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<sup>40</sup> Counsel assisting: T2221

<sup>41</sup> Watson statement at [72(b)]

<sup>42</sup> Watson: T802 – T803. As counsel assisting has noted, this meant there were "varying approaches" taken by the security providers to infection control.

<sup>43</sup> Watson statement at [124] to [135]



higher risk, is appropriate provided that guards are asked to perform activities that they are trained to, that they are appropriately guided in the use of PPE, that they are appropriately supervised and that necessary infection prevention and control measures are deployed.<sup>44</sup>

### C. The Hotel Quarantine Program

#### *Establishing the Hotel Quarantine Program and Security Service Model*

35. It is uncontroversial that the Hotel Quarantine Program was developed in great haste.
36. As counsel assisting observed correctly at [T2201], the task of establishing the logistical arrangements for the program fell to the officers of the DJPR. None of those officers had any relevant experience establishing a public health program, nor it seems did they have any substantial experience procuring security services.
37. That those tasked with establishing the program lacked relevant health experience does not appear to have been the subject of considered thought or review by those within government at any stage of the program.<sup>45</sup> As counsel assisting correctly observed at [T2200] and elsewhere, it is apparent that there was a lack of focus on the purpose of the program and how it should be run. Indeed, as explained in more detail below at [D.53], at least in the initial stages of the program, there appears to have been active resistance and even hostility that such advice or guidance was offered.<sup>46</sup>
38. Counsel assisting observed correctly at [T2215] that the DJPR called upon security guards to perform a range of tasks that fell outside the scope of their training and experience. This included luggage handling, escorting quarantine guests on fresh air walks, delivering food parcels, delivering Easter eggs and gifts for Mother's Day, sanitising facilities, and shopping for toys. This was often requested without prior consultation.<sup>47</sup>
39. The evidence militates firmly in favour of a conclusion that security personnel were seen by officers within DJPR as an *ad hoc* source of alternative general labour that could be utilised to fill any gaps in what was perceived by them to be a type of logistics supply chain. Those willing to "jump in to support" were seen as helpful and were rewarded with more work,<sup>48</sup> whereas those who raised concerns about the risks posed to infection control were seen as "difficult".<sup>49</sup>
40. Wilson Security joins counsel assisting's submission at [T2215] that it is open to the Board to find that that the reliance by DJPR on security guards to perform non-security functions was

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<sup>44</sup> Counsel assisting: T2259

<sup>45</sup> The Board has heard that DJPR conducted a review at some point toward the end of the program – yet that appears to have been focused toward ensuring that there was no strict breach of government procurement guidelines. See Phemister – T1847.

<sup>46</sup> The offer referred to in evidence is contained in a detailed email from Mr Watson to Ms Currie of DJPR dated 30 March 2020 and is contained within Exhibit 62 – tab 9 to the Watson statement

<sup>47</sup> Watson: T789

<sup>48</sup> Watson: T859

<sup>49</sup> Watson: T789 *I thought it was all fairly amicable and sensible. I didn't realise that we had won the reputation of being difficult to deal with at that point in time, so it was a little bit disappointing to learn that, because I think what we were pointing out were fair and reasonable in relation to infection control measures and indeed the powers of a security officer."*

not a considered decision and was made with an improper focus on logistics and compliance rather than health and wellbeing.

*Hotel Quarantine – who was in charge?*

41. This Inquiry has been plagued by the regular refrain – “Who was in charge on site?” Each of the security providers (including subcontractors) said in evidence that they understood, based on advice from DJPR, that it was DHHS Authorised Officers who were in charge of the program on site.<sup>50</sup> Remarkably, the DHHS Authorised Officers did not see that as their role. Authorised Officer Ashford said there was never anyone formally identified as being in charge of the Hotel Quarantine Program.<sup>51</sup> Senior Authorised Officer Cleaves was similarly unable to say who was in charge – suggesting that the program did not operate in a classic pyramid organisation structure’.<sup>52</sup>

42. Of note is the following exchange between counsel assisting and Mr Ashford:<sup>53</sup>

*Q. Had you received any specialist training in respect of performing authorised officer duties for DHHS?*

*A. No. Prior to commencing I did some training online in regards to using the COVID-19 app, which was the Department’s sort of data capture tool. I did about an hour of training on that and also some standard employee equity and diversity training whilst working with the Department as well. But other than that, no, there was no other training.*

43. Section 30(2) of the *Public Health and Wellbeing Act 2008* (Vic) sets out the conditions precedent to the appointment of an authorised officer:

*The Secretary [of the DHHS] must not appoint a person to be an authorised officer under this section unless the Secretary is satisfied that the person is suitably qualified or trained to be an authorised officer for the purposes of this Act.*

44. It seems of note one hour of “*training online in regards to using the COVID-19 app, which was the Department’s...data capture tool*” was considered sufficient to come to the conclusion that Mr Ashford was “*suitably qualified or trained*”.

45. This is a fundamental failure of governance on the part of the State - the consequence of which resulted in operational inconsistency, uncertainty and an unacceptable exposure of risk to those working within the program. That operational inconsistency and uncertainty was not only across hotel sites, but also at a single hotel site.<sup>54</sup> This was a result of different government personnel having different views and therefore making inconsistent decisions.

<sup>50</sup> Watson: T795; Hogan statement at [69] – [73]; Adams: T823; Krikelis: T824; Naji: T872; Gupta: T743

<sup>51</sup> Ashford: T289

<sup>52</sup> Cleaves: T920

<sup>53</sup> Ashford: T265

<sup>54</sup> Watson: T796

46. That inconsistency in approach can be attributed to those officers not being “*suitably qualified or trained*” for the purposes of the *Public Health and Wellbeing Act 2008* (Vic).
47. The evidence before the Board demonstrates clearly that nobody within government considered themselves in charge of quarantine and infection control on site.
48. Even when advice was received from the DHHS on 29 May 2020 (as described at [B.22] above), that advice was not accepted by Wilson Security because it was considered less robust than the medical advice Wilson Security had independently received and under which it had been operating.<sup>55</sup> Indeed, the expert evidence received by the Board suggests that DHHS advice was ‘inappropriate’.<sup>56</sup>
49. Moreover, it was not until 22 June 2020 (following the Rydges and Stamford outbreaks) that DHHS staff met with Wilson Security to discuss the infection control and prevention arrangements under which Wilson Security had been operating.<sup>57</sup> By that stage Wilson had been providing services for almost three months and thereafter only provided services for 14 days. It was *only* at this meeting that DHHS became aware that Wilson Security had established infection screening procedures for all security personnel that included temperature testing and health and safety declarations (discussed in more detail below). DHHS informed Wilson Security of its intention to introduce similar procedures across the program and (for the first time) asked Wilson Security to share information about its infection prevention and control framework.<sup>58</sup> Wilson Security shared its procedures with DHHS following this meeting.
50. Wilson Security is not aware of any review or audit of its operations conducted by DJPR or DHHS at any time during the life of the program. It is open to the Board to conclude that had such an audit or review been conducted (or conducted with a suitable degree of rigour), then the infection prevention and control measures that Wilson Security had in place could have been integrated across the program far sooner.
51. Wilson Security joins the submission of counsel assisting and invites the Board to find that, in the absence of a proper governance structure and a chain of command, it fell to each entity operating within the program to develop and implement their own infection prevention and control practises – with the result that proper infection prevention and control practises were implemented inconsistently and with varying degrees of success.

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<sup>55</sup> Watson statement at [100]

<sup>56</sup> Grayson: T69-70

<sup>57</sup> Williams statement at [50(e)] (Exhibit 130)

<sup>58</sup> Hogan statement at [128]

#### **D. Wilson Security's Role within the Hotel Quarantine Program**

*Wilson Security's prior experience in quarantine programs*

52. In closing submissions, counsel assisting made the following observations at [T2230]:

*On the Monday, 30 March, Wilson Security did its first walk-through at what would become its first hotel. The documentation suggests that somehow on or around that time Wilson were perceived as not being helpful in the way that Unified were helpful although the Board might perceive that Wilson's approach which was perceived as unhelpful was perhaps driven by a greater experience and understanding of the logistical complexities of this operation and the greater sense of the risks perhaps posed to [security guards].*

53. The Board should accept as correct counsel assisting's observation that Wilson Security approached the program with greater experience and therefore appreciation and understanding of the logistical complexities and risks inherent in a quarantine program. As counsel assisting observed at [T2232], Wilson Security is a large employer with substantial corporate knowledge and infrastructure within Victoria. It has been on the Victorian Government panel as a preferred supplier of security services since 2004, including to Victoria Police and high-risk premises.<sup>59</sup> Wilson Security also had relevant past experience supporting government and enforcement agencies in quarantine arrangements, including providing security services in COVID-19 quarantine arrangements in Japan and the Northern Territory.<sup>60</sup>

54. Wilson Security was alive to the risks posed by COVID-19 and understood the necessity for medical oversight when developing and implementing operational security policies and practices. It drew on this experience when preparing for and acting in the Hotel Quarantine Program - as explained in more detail below at [D.64].<sup>61</sup> It brought this experience to the attention of the government, yet they did not engage with it.<sup>62</sup>

#### **Wilson Security's response to health risk within the Hotel Quarantine Program**

55. In closing submissions, counsel assisting made the following remarks at [T2278]:<sup>63</sup>

*As identified by both Mr Neal and Ms Ellyard and I join my voice to theirs, the evidence shows overwhelmingly that those working within the Hotel Quarantine Program did so with good faith and with good intentions. Nevertheless, it is our submission that there was insufficient regard to the health and people working in the Hotel Quarantine Program and that the safeguards put in place to protect them were not sufficient. Workers were exposed to risk as a result. One such group is the security staff. Security staff at the frontline of the Hotel Quarantine Program worked in a high-risk environment.*

<sup>59</sup> Watson statement at [36]

<sup>60</sup> Another entity within the Wilson Group was on the government panel prior to 2007. Watson statement at [34]

<sup>61</sup> Watson statement at [37]

<sup>62</sup> Watson statement at [72(b)], Watson: T802 – T803 and Tab 9 of Exhibit GRW-1 (Exhibit 63)

<sup>63</sup> Submissions to similar effect were made at [T2257], [T2267] and elsewhere in the closing address.

*The training afforded to them was inadequate, as was the supervision in respect of their use of PPE and infection prevention and control. These issues were identified early on and therefore were -- and thereafter were only dealt with on an ad hoc basis. This continued right up to the Stamford outbreak and until the control of the operation was taken over by the Department of Justice and Community Safety. No evidence has been led that prior to that time there was any overarching infection prevention and control plan that subsisted, that is at least until the advent of the health hotel model, with the involvement of Alfred Health in mid-June. Nor was there any evidence of proper infection prevention and control oversight or accountability within the Hotel Quarantine Program.*

56. The submission of counsel assisting is broadly stated and prone to mislead. In so far as it concerns Wilson Security, it is contrary to the evidence and must be rejected.
57. There is a large body of evidence before the Board demonstrating that Wilson Security's overriding concern when entering the Hotel Quarantine Program, and at all stages thereafter, was to ensure the health and safety of those engaged in the program.<sup>64</sup> Wilson Security well understood that to operate effectively and safely within the program, there needed to be a focus on infection prevention and control with clinical input and oversight.<sup>65</sup>
58. Indeed, the Board has received evidence that Wilson Security's focus from the outset was on safety and infection control, whereby its first communication to DJPR about the program on Saturday 28 March 2020 identified that it was seeking to "understand the scope of work and duties required so we can make an informed assessment about staff selection, specialist requirements and a thorough risk assessment and provision of PPE".<sup>66</sup>
59. It was this focus on infection control and safety that caused Wilson Security to engage the services of a medical professional, Dr Pramodh Nathaniel. As counsel assisting observed in her closing address at [T2235], this resulted in Wilson Security introducing infection prevention and control measures at its hotels months before they became standard, including:
- a) providing ongoing training and information to all security guards about infection and cross contamination risk, proper infection control practices (cough etiquette, social distancing and hand washing), and the safe and proper use of PPE;<sup>67</sup>
  - b) temperature testing of all security guards at the start of each shift – with clear policies and directions that required, amongst other things, any person returning a temperature greater than 37.4 degrees to be sent for testing and clearance before being permitted to commence their shifts;<sup>68</sup>

<sup>64</sup> Watson statement at [63], [72], [89] – [90], [98] – [101], [104], [118] – [135], [145] – [159], [164] – [165], [170] – [174], [180]; Watson: T785-T786

<sup>65</sup> Watson statement at [145]-[150], [151(a)], [170]-[175]; Watson: T787, T792

<sup>66</sup> Watson statement at [63]

<sup>67</sup> Watson statement at [149], [164]; Watson: T791; Hogan statement at [86]-[91]

<sup>68</sup> Watson statement at [176]-[179]; Watson: T793

- c) requiring all security guards to fill out a health declaration prior to commencing each shift and including directions that, amongst other things, required any person exhibiting symptoms to be sent for testing and cleared before being permitted to commence their shifts;<sup>69</sup> and
- d) providing all security guards with meals in order to reduce the need for staff to leave the hotel and visit nearby restaurants and cafes during their breaks, and providing paid parking so that they did not need to use public transport or car pool.<sup>70</sup>
60. The central role that medical advice played in Wilson Security's infection prevention and control practices was underscored by Mr Watson, when asked about the expanding role security were asked to play in the program:<sup>71</sup>
- ... that was something that we hadn't entertained at that point in time in terms of how we would handle that, because with all our procedures, they were written in mind with what we anticipated the role to be. We'd gone to our health and safety team for advice, and they in turn had gone to --- we'd employed an independent medical adviser. So all our procedures were run past Dr Pramodh, who would advise on what was appropriate, and we would then write that into our procedures and train our staff accordingly.*
61. The unchallenged evidence before the Board demonstrates that Wilson Security was able to secure and provide during the life of the program adequate PPE to all security personnel (including subcontractor personnel) in the form of gloves, masks, eye wear, hand sanitiser and alcohol wipes for the entire duration of the program, without any gaps in supply.<sup>72</sup>
62. Mr Hogan provided the following evidence to the Inquiry:<sup>73</sup>
- Wilson provided specific guidance to officers on infection control. Generally, this was done in the following ways:*
- a) **Toolbox talks:** *meetings conducted on a 'needs' basis where Site Supervisors or Site Managers would introduce any new specific policies, procedures or instructions (typically from DJPR or DHHS);*
- b) **Daily briefings:** *meetings conducted at the beginning of each shift during which the Site Supervisors or Site Managers reminded security staff of and reinforced the core duties and any recent changes (as opposed to going through them in detail); and*
- c) **Display of materials:** *where relevant materials were contained in physical documents, those documents were stuck on walls in the security room and in highly visible locations on the hotel floors. For example, a document setting out*

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<sup>69</sup> Watson statement at [180]-[189]

<sup>70</sup> Watson: T791

<sup>71</sup> Watson: T787

<sup>72</sup> Watson statement at [151]; Hogan statement at [115]-[123]; Paciocco: T762; Gupta: T763

<sup>73</sup> Hogan statement at [86]

*officers' core duties was stuck on the wall or floor at each designated security post in each hotel. Other documents (e.g. the COVID-19 Pack and "cheat sheets" described below and posters reinforcing hand hygiene and social distancing measures) were displayed in the security room and lift areas.*

63. Wilson Security also provided an additional layer of onsite supervision in the form of Site Managers so as to ensure that those proper practices were maintained.<sup>74</sup>
64. The Board has heard evidence that training and instruction in infection prevention and use of PPE was useful, informative, and continuously reinforced on the ground.<sup>75</sup> There is no evidenced foundation for concluding otherwise.
65. The concern that Wilson Security placed on ensuring that proper infection prevention and control practices were followed was explained by Mr Watson in the following terms:<sup>76</sup>
- You know, if someone's made a mistake, you know, we do take a reasonable approach to that. If someone's made a mistake and, you know, they want to make amends. But in this case, you know, we weren't dealing in a normal environment. The consequence of non-compliance was the risk of infection of COVID-19. So we took pretty well a no-prisoners approach, that this needs to be run very strictly and people need to comply with our instructions, because this is not the type of environment where, you know, you can have latitude.*
66. As counsel assisting observed at [T2230], Wilson Security's concern for infection prevention and control resulted in a perception amongst DJPR and DHHS staff that it was 'difficult'.<sup>77</sup> That Wilson Security was perceived by government officers in such light lends support to counsel assisting's primary submission identified above at [C.40] - that those tasked with establishing the program were improperly focused on logistics and compliance and their personal and professional relationships, rather than on the health and wellbeing of those engaged in the program.
67. Any concerns about Wilson Security being 'difficult' were not only misguided because they did not reflect an appreciation of Wilson Security's attitude or its stance on infection control, but also seemed to have been used as a justification for the use of an off-panel security provider that DJPR had developed those relationships with.<sup>78</sup>
68. The Board has heard evidence that there was no occurrence of COVID-19 infection amongst security guards engaged by Wilson Security and no outbreak of infection from any of the four

<sup>74</sup> Watson statement at [164(d)]; Hogan statement at [38], [92]-[95]; Paciocco: T762

<sup>75</sup> Security 1: T289 – T291; T296 – T299; T301 – 303. .

<sup>76</sup> Watson: T799.

<sup>77</sup> Exhibit 62 – tab 9 to the Watson statement (being an email from Greg Watson to Katrina Currie of DJPR dated 29 March 2020). See also Watson: T787 – 788 – “*The staff kind of pushed back in the sense that we hadn't been advised that we'd been cleared to do this duty, and at that point they were threatened with a \$20,000 fine for not following the instruction of an authorised officer.*” See also Watson: T789

<sup>78</sup> Currie: T467-68

hotels at which it provided security services. It is open to the Board to find that Wilson Security's infection prevention and control practices contributed to this outcome.

### **Wilson Security's use of subcontractor security service providers**

69. It is common ground that the Hotel Quarantine Program required deployment of a very substantial workforce of security personnel on very short notice and in circumstances where security providers were only able to forecast tenure of their services in fourteen day intervals.<sup>79</sup> It is undoubted that in order to fulfil the requirements of the program, it was necessary that subcontractor security personnel be used. Mr Watson explained in detail the reason why this was so:<sup>80</sup>

*... the reason why we need contract staff for a deployment of this nature is quite simply, in my experience, companies don't have 500 people just sitting around waiting for a phone call to say, "There's an emergency. Can you deploy people quickly?" And the reason for that is, you know, if those 500 people, if they were full-timers, they're guaranteed a minimum 38 hours a week, so that's not really effective. If they were part-timers, they need seven days' notice of a reasonable stable roster. And if they're casual employees, demand and supply takes over, and the labour migrates to where the work is. So it's really not practical for a company to maintain huge numbers of people waiting for an unexpected event.*

70. The Board heard evidence from DJPR officers that DJPR was, at least in the initial stages of the program, unaware that subcontractor security personnel were being used. That evidence was the subject of challenge and shown to be incorrect.<sup>81</sup> The evidence demonstrates that from the outset DJPR were made aware that subcontractor security personnel would need to be utilised in the program. Wilson Security accepts as correct counsel assisting's submission at [T2231] that the contracts provided for subcontracting with notice and that, in so far as Wilson Security is concerned, it complied with those contract terms.

71. Critically though also, Wilson Security maintained full oversight and control over its guards – whether employees or subcontractors – and provided the same supervision, training and PPE without distinction.<sup>82</sup> Wilson Security utilising labour from its subcontractors did not have any impact on its rigour in infection control processes for all guards at its hotels.

72. During the course of the Inquiry, the Board heard evidence from a number of witnesses to the effect that security workers posed a risk as a cohort because they are “casualised” and “unskilled”.<sup>83</sup> These opinions were expressed without supporting basis and without apparent

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<sup>79</sup> Watson: T791

<sup>80</sup> Watson: T794

<sup>81</sup> Currie: T461-T464 and T477 – T480; DJP.208.002.0074 in Exhibit 37

<sup>82</sup> Watson: T794

<sup>83</sup> Mikakos: [73], Sutton: [142]



understanding of the nature of structures and practices that security providers like Wilson Security put in place to manage this workforce – as Mr Watson explained:<sup>84</sup>

*No, we treated everybody the same, and the reason for that is --- it's perhaps helpful for the Board to understand the way subcontracting works in the security industry, in that we don't discharge our obligations because they are contractors, we just don't hand off all our responsibilities. What we're after is the labour supply to supplement our own teams. So in that respect, we treat them as our own employees. So they were provided PPE, they were provided the meals, they were provided subsidised parking, they work under our management controls and overlay, and if they don't meet the same service standards as our own people, then they're removed from the program.*

73. In closing submission, counsel assisting submitted at [T2214] the evidence before the Board support the view that:

*...not only is there a lack of power between the end security guard and their employer, where security guards might have felt reluctant to say no or reluctant to disclose issues that might make them unemployable in the future, there is also, given the tiered hierarchy that existed here, a clear imbalance of power, we would say, between head contractors and subcontractors. Reflecting on the evidence that was given by the panel of subcontractors, it is quite clear that it would have been in some cases difficult for subcontractors to make much by way of a complaint if their head contractor required things of them that were unusual or unsafe. The nature of the industry as such is to very much consolidate power higher up the chain. Again, that can be contrasted with the arrangements that are now in place in health hotels.*

74. Counsel assisting went on to say at [T2217]:

*It's more about a systemic issue about whether this casualised workforce with all of the compounding issues connected with potentially poor literacy in English, limited access to health information, vulnerability potentially to exploitation, all of those things create a systemic issue whether or not they were the right cohort here, whether they were going to be sufficiently trained and retrained, bearing in mind Professor Grayson said that you have got to keep on reinforcing training, this workforce was changing every day, they were all very casualised, coming and going, was that the right workforce for work this of this kind? We submit to you it can be seen that it was not the right cohort and if it was going to be the right cohort it was going to need a very substantial and ongoing structure to provide supervision and training*

75. These submissions are broadly stated and made without specific reference to any particular evidence. The matters identified in the submissions were not put to Mr Watson on behalf of Wilson Security, nor can we find any example where they were put to any other witness from

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<sup>84</sup> Watson: T794

the security industry that was called to give evidence before the Inquiry. In certain important respects, the submissions are plainly wrong.<sup>85</sup>

76. There is a large body of evidence demonstrating that Wilson Security had in place a ‘very substantial and ongoing structure to provide supervision and training to subcontractor personnel’. The unchallenged evidence of that structure is to the following effect:
- a) subcontractor agencies were prohibited from further sub-contracting or “tiering”;<sup>86</sup>
  - b) subcontractor agencies were directed to roster staff at only one hotel at any time;<sup>87</sup>
  - c) subcontract security personnel provided the same training, supervision, and benefits (i.e. meal allowance and parking) as permanent security personnel;<sup>88</sup>
  - d) security personnel were subject to the same reporting and management processes (including the Formstack Incident Register) as permanent security personnel;<sup>89</sup> and
  - e) Wilson Security regularly resisted and pushed back when security personnel were directed by government officers to perform tasks they were not trained to do or that otherwise comprised proper safe infection control practices.<sup>90</sup>
77. All witnesses called by the Board who worked under Wilson Security’s direction and control emphasised the importance that Wilson Security placed on proper training and safe infection control and prevention practices.
78. The witness identified as ‘Security Guard 1’ worked as a subcontract security guard for Wilson Security at two hotels. He described the training provided by Wilson Security in the following terms:<sup>91</sup>
- Q. Is it fair to say that you found that training useful, informative and professionally done?*
- A. I did. I did.*
79. The witness identified as “Security 2” worked as a subcontract security guard for Wilson Security at the Pullman Hotel, and then later as a subcontract security guard at a ‘COVID Hotel’ operated by Alfred Health. He described the training and supervision provided by Wilson Security as “very good. They expected a high standard and were prepared to send people home if they were not following instructions correctly, or not paying attention during the

<sup>85</sup> The proposed contrast with the Health Hotel model is flawed. The evidence reveals that security arrangements at the Health Hotels were structured similarly to the Hotel Quarantine Program. Alfred Health contracted Spotless to provide private security services. Spotless in turn subcontracted to the same subcontractor security firms used by Wilson Security in the Hotel Quarantine Program. See “Security 2”.

<sup>86</sup> Watson: T797; Hogan statement at [104(a)]. This was, in respect of all but one occasion adhered to (Watson: T797 – T798).

<sup>87</sup> Watson statement at [164]

<sup>88</sup> Watson statement at [164]

<sup>89</sup> Watson: T794

<sup>90</sup> Watson: T787 – 789

<sup>91</sup> Security 1: T311-T314

tool box meetings". When asked to compare any differences in the infection prevention practises at the Pullman to the COVID hotel, he said:<sup>92</sup>

*It was [still taken very seriously at] the Pullman. If you made a mistake, Wilson were quite strict and very authoritarian, which is one way of running the operation. Whereas the COVID hotel, given that it was run by Alfred Health, they were a bit more, "well, that's okay. We'll just keep training, keep re-learning". So it was a bit more of a I guess nursing approach to instilling PPR requirements and procedures with guards. Whereas Pullman, pretty much if you got it wrong once, you didn't get another shift.*

80. To similar effect, Mr Paciocco, a representative of subcontractor, Black Tie, said when asked if he would be willing to be involved in a similar program in the future:<sup>93</sup>

*Yes, it's certainly been interesting listening to some of the other contractors. But based on the work that we conducted and the way it was handled with our --- with Wilson, I would certainly look at the opportunity, you know, if it ever arose again, to take on something like this. I think that, you know, a quality security provider such as Wilson is more than capable of, you know, providing adequate service for what was required at hotel quarantine.*

81. The suggestion made by counsel assisting that the subcontract security personnel were 'vulnerable to exploitation', were 'unable to complain' if asked to do things that were 'unusual or unsafe' and were therefore not the 'right cohort' is, so far as Wilson Security is concerned, contrary to the evidence before the Board and must be rejected.
82. In any event, we do not understand the Board to have identified an alternative to the use of private security *for the purposes of providing security*, particularly noting counsel assisting's closing submissions:<sup>94</sup>

*But we don't invite you to find and indeed we say it is not open for you to find that the ADF should have been engaged.*

#### **E. Was it appropriate to use private security in the Hotel Quarantine Program?**

83. The question whether it was appropriate to use private security in the Hotel Quarantine Program was addressed by counsel assisting at a number of points during the course of closing submissions. In each instance there were subtle variations and inconsistency. When providing his concluding remarks to the Board, senior counsel assisting said the following at [T2265]:

*As the Hotel Quarantine Program developed and the roles allocated to security companies evolved, no one turned their mind to whether they remained a suitable workforce for those roles because no one understood themselves to have been the original decision maker. Absent very clear oversight by persons properly trained in*

<sup>92</sup> Exhibit 29; Security 2: T343

<sup>93</sup> Paciocco: T743

<sup>94</sup> Counsel assisting: T2218

*infection prevention and control and continued training for all on-site, it was not appropriate to use security guards for the roles that they ultimately performed in the Hotel Quarantine Program.*

*The Department of Jobs, Precincts and Regions should have used the State security contract to identify security companies and not made ad hoc enquiries via a section of DJPR without relevant expertise in the security industry. It is apparent that the three companies chosen had different levels of pre-existing capacity and preparedness for the work and that there was insufficient due diligence done by DJPR before the formal contracts were signed. Instead, personal on-the-ground observations were allowed to override ordinary procurement practices.*

84. Wilson Security understands that this statement represents the agreed position of counsel assisting and the position in respect of which they recommend findings be made.
85. Counsel assisting identified correctly that those charged within government to engage security were improperly focused on logistics and compliance. They did not have an awareness or understanding of the security industry and did not consider adequately the health and wellbeing of security personnel when allocating the tasks within the program. The evidence reveals that 'helpfulness' and 'willingness to follow direction' was the key criteria against which private security were measured. Those charged with procuring security services placed inadequate focus on proper and robust management structures and infection prevention control practices.
86. The Board has before it clear evidence that where properly procured, instructed, and utilised - it was entirely appropriate to use private security in the Hotel Quarantine Program. The following exchange between the Chairperson and Mr Watson is instructive in this regards:<sup>95</sup>

*Yes, I think it was a feasible program, because I think we were able to demonstrate that we had many of the attributes and planning skills that would make it a very workable program, and the fact that we performed for weeks and had no positive cases indicates that, you know, there was some success in what we did. But I think if you look at it, security is a very scalable, rapidly deployable resource. So you've got a group of people there that are capable of manoeuvring that. You've also got management teams that are capable of training and leading and managing. The security licensing system enables security officers to be prepared for a range of different situations, such as de-escalating difficult situations. They're often in the frontline in the public arena where they're dealing with people in various states of either disarray or distress. So they develop skills for that. So I think those sorts of attributes, coupled with, you know, good establishment of systems, good governance systems and strong management*

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<sup>95</sup> Watson: T800

*overlays, underpinned by specialist training, would make it very, very appropriate that security perform the role.*

87. There is evidence before the Board of two instances where private security personnel were deployed with clear clinical oversight of infection control and prevention practices. The first instance is Wilson Security. The second is the 'Health Hotels' operated by Alfred Health. The evidence before the Board is that in each instance there has been no occurrence of COVID-19 infection among security guards and no outbreak of infection from any of the hotels at which those security personnel were deployed. This model is also used effectively elsewhere in analogous hotel quarantine programs in Australia and worldwide.
88. In the circumstances, it is open and appropriate for the Board to find that with proper governance structure that is focused on infection prevention and control, and with specialist infection prevention and control input and training, it is entirely appropriate for private security to be used in a quarantine arrangement.
89. Wilson Security wishes to conclude by saying that throughout the Hotel Quarantine Program it prioritised the development of robust infection control measures, and continued to reinforce these standards to prevent the spread of COVID-19 from the travellers it was guarding. If called upon to do so again, Wilson Security would not hesitate to support the State government in further quarantine programs if required, drawing on its experience in providing services to the State and leveraging its expertise and lessons learned from its varied quarantine and other complex security operations.

Dated: 5 October 2020

ROBERT CRAIG SC

DAVID OLDIFELD