

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

AFFIDAVIT

I, Daniel Michael Andrews of 1 Treasury Place, East Melbourne, Victoria, Premier, make oath and say:

1. On 16 October 2020, I received a letter from the Honourable Jennifer Coate AO, Chairperson of the Board of Inquiry into the COVID-19 Hotel Quarantine Program, which set out a list of questions that I was requested to answer. My answers to those questions are at paragraphs 2 to 32 below.

Discussions with Mr Eccles in the National Cabinet room on 27 March 2020

Q1. The Inquiry has received information which suggests that Mr Eccles had a conversation with you immediately before he left the National Cabinet room to telephone Mr Phemister. Mr Eccles' telephone records indicate that he made that call at 12.20 pm.

Q1.1 Do you recall speaking with Mr Eccles during the National Cabinet meeting? If so, what was the substance of that discussion?

2. It would not be unusual for me to speak to Mr Eccles from time to time during a National Cabinet meeting. However, I do not now recall speaking with him during the meeting on 27 March 2020.
3. I understand that Mr Eccles has given evidence to the effect that he thinks that it is likely that he briefly advised me, during the course of the meeting, that he was going to step out to call Simon Phemister. Although I have been informed of that evidence, I cannot now recall whether that occurred.

Q1.2 Were you aware he was intending to contact Mr Phemister? If so, what did you understand as his reason for doing so?

4. See my answer to question 1.1.

Q1.3 What, if any instructions, advice or directions did you give to Mr Eccles about the structure, content or operation of the Hotel Quarantine Program before he made that call to Mr Phemister at 12:20 pm on 27 March 2020?

5. I gave Mr Eccles no such instructions, advice or directions.

Q1.4 In particular, did you express a view about the use of private security as part of the Hotel Quarantine Program? If so, what was that view?

6. I expressed no view at all about the use of private security as part of the hotel quarantine program. As I indicated in my earlier witness statement,¹ decisions of that kind are of an operational nature in which I do not play a role.

Q1.5 Did you receive any report back from Mr Eccles about the conversation he had had with Mr Phemister? If so, what was the substance of that report?

7. No, I did not receive any such report.

Discussions after National Cabinet

Q2. The Board has been furnished with telephone records which indicate that Mr Eccles placed a call to then-Chief Commissioner Graham Ashton (CCP Ashton) at 1.17 pm and spoke to him for 2 minutes and 15 seconds, in apparent response to a text message sent to Mr Eccles by CCP Ashton at 1.16 pm.

Q2.1 Were you aware on 27 March 2020 that Mr Eccles had been contacted by CCP Ashton? If so, please provide details.

8. No, on 27 March 2020 I was not aware that Mr Eccles had been contacted by CCP Ashton.

Q2.2 Were you aware on 27 March 2020 that Mr Eccles rang him back? If so, please provide details.

9. No.

Q2.3 What discussions did you have with Mr Eccles between the conclusion of National Cabinet and the start of your press conference? Please give details of those discussions.

¹ PREM.0001.0001.0001 at paragraph 42.

10. I do not now recall having had any discussion with Mr Eccles between the conclusion of the National Cabinet meeting and the start of my press conference.

Briefings regarding what occurred at National Cabinet

Q3. The Inquiry has been furnished with a document prepared by the DHHS National Cabinet Director (Health and Public Health) Ms Nicole Lynch at 2.48 pm on 27 March 2020 which purports to contain a summary of National Cabinet outcomes and which relevantly includes the following:

“Enforcement by S & T governments keen for police not to babysit but called in as needed (eg use private security).”

Q3.1 Does this reflect the view you held about the potential use of police and private security?

11. No. Further, I did not understand that to be one of the outcomes of the National Cabinet meeting.

Q3.2. Is this a view you were aware of being held within your private office or within DPC?

12. No.

Discussions between officers of your private office and DPC and DJPR

Q4. The Inquiry has received telephone records indicating that between 1.19 pm and 2.53 pm there were a number of calls made by Mr Tim Ada of DPC to [Senior Policy Advisor, PPO] of your private office, as well as texts exchanged which you were shown during your oral evidence to the Inquiry.

Q4.1 Did you give any instructions to [Senior Policy Advisor, PPO] regarding matters to be discussed with DPC?

13. No. Nor did I know that [Senior Policy Advisor, PPO], or any other person in my private office, was communicating at those times with Mr Ada.
14. I did know, after the National Cabinet meeting, that I would be having a press conference later that afternoon, in which I would be announcing the apparent consequences, at that time, of the decisions made by National Cabinet.
15. I describe, in my answer to question 4.2, my usual practice, and the usual practice of my staff, before a press conference of that kind. Consistent with that usual practice, I am not

surprised that staff within my private office were in contact with Mr Ada, or any other officers of DPC, following the National Cabinet meeting and the significant decisions made at that meeting. As I indicated when I gave oral evidence, I expect that Senior Policy Advisor, PPO contacted Mr Ada for the purpose of obtaining information in preparation for my press conference later that afternoon.

Q4.2 Did you receive any briefing or information from Senior Policy Advisor, PPO or anyone else in your private office regarding the work being done to set up a program for quarantine of returned travellers?

16. The press conference that I gave shortly after 3.00 pm on 27 March 2020 was given on short notice and in urgent circumstances. A very large initiative had only just been determined by National Cabinet.
17. I always receive an oral briefing from a small number of senior advisors immediately before I stand up at a press conference. Usually, before any such briefing, I am provided with a written press release relating to the issues that I intend to address at the conference.
18. Before some press conferences, I am also provided with a policy document, to which I can have regard in answering questions. However, when I am giving a press conference on short notice and in urgent circumstances — such as on 27 March 2020 — I ordinarily do not receive any additional policy document of that kind.
19. I am informed by my senior staff that in preparing for an oral briefing of the kind described, a member (or sometimes several members) of my staff will, as relevant, contact officers of DPC, or of one or more line departments, to obtain operational and policy details concerning the implementation of the initiative or program that I will announce, or discuss, at the upcoming press conference. Indeed, I expect them to do so, to ensure that I am accurately briefed. Where appropriate, the substance of the information obtained in the course of those enquiries is explained to my senior staff for the purposes of conducting my briefing.
20. I have no present recollection of the briefing that I received immediately before the press conference shortly after 3.00 pm on 27 March 2020, its content, or who briefed me. Nonetheless, I am sure that I was briefed: I am informed that, on that day, the senior staff who briefed me included my Chief of Staff, Lissie Ratcliff and probably included my Press Secretary, Stephanie Anderson and my Media Director, Adam Sims.

21. I am informed that it is possible that those who briefed me obtained information from [Senior Policy Advisor, PPO] for the purposes of the briefing, but I am informed that [Senior Policy Advisor, PPO] was not present when I was briefed.
22. Produced together with this affidavit are the following documents:
- (a) a document titled “Statement: Enforced quarantine for returned travellers to combat coronavirus” dated 27 March 2020 (the **Statement**);² and
 - (b) a document titled “Policy Q&As”, which states that it was from, among other advisors of mine, [Senior Policy Advisor, PPO] (the **Policy Q&As**).³
23. I am informed that, before my press conference, I was very likely handed a copy of the Statement. I do not now recall reviewing that document before starting the press conference.
24. I am informed that I was not given a copy of the Policy Q&As, nor do I recall being given that document. However, I am informed that:
- (a) so far as my staff have been able to establish, the Policy Q&As reflects the state of that document as at 2.53 pm on 27 March 2020;
 - (b) it is possible that the oral briefing that I received immediately before my press conference was based, in part, on information contained in the Policy Q&As, although the fact that the document is in the form as at 2.53 pm that day may mean that it was not completed until after my briefing had already started; and
 - (c) if the Policy Q&As were complete at the time my briefing started, it is possible that the document was in the possession of one or more of my senior advisors in the briefing and may have been used to supplement the details conveyed to me orally.
25. Further, for completeness, I note that:
- (a) On the evening of 27 March 2020, I communicated by text message with Ms Ratcliff in relation to the work being done to set up the hotel quarantine program. I have provided the Board with copies of those text messages.
 - (b) At 11.58 pm on 27 March 2020, I received an email from Jessie McCrone, Deputy Chief of Staff, copying, among others, [Senior Policy Advisor, PPO], attaching a briefing document

² PREM.0001.0001.0016.

³ PREM.0001.0001.0017.

in anticipation of the press conference that I was due to attend the following day, on 28 March 2020.⁴ I produce that email and its respective attachments together with this affidavit.

26. I note that the email that I received at 11.58 pm on 27 March 2020 reproduced an email that I received at 9.49 pm that day from Ms McCrone, which had several attachments. I produce those attachments together with this affidavit.⁵
27. I do not now recall receiving any other briefing or information on 27 March 2020 from my staff about work being done to set up the hotel quarantine program.

Contact between your Chief of Staff and the Minister for Police and Emergency Services

Q5. The Inquiry has received telephone records indicating that your Chief of Staff Ms Ratcliff made a telephone call to Minister Neville at 1:39 pm with the ensuing call lasting for 5 minutes and 5 seconds. It appears that Minister Neville was the only Minister to be directly contacted by your private office in the hours immediately following National Cabinet.

Q5.1. Were you aware that Ms Ratcliff was making that contact with Minister Neville?

28. No, I was not aware that Ms Ratcliff was making that contact with Minister Neville.
29. I am conscious that Minister Neville, when she gave evidence, referred to that telephone contact from my Chief of Staff.
30. I am unsurprised that Ms Ratcliff was in contact with Minister Neville that afternoon. It is common for my Chief of Staff to be in contact with other Ministers. Indeed, doing so forms part of her duties. In that regard, I note that, on 27 March 2020, the telephone records that have been provided to the Board disclose that Ms Ratcliff called three other Ministers, one of which calls was to the then Minister for Health and was placed while the National Cabinet meeting must still have been in progress.

Q5.2 Did you instruct Ms Ratcliff to contact Minister Neville? If so, why?

31. No.

⁴ PREM.0001.0001.00025.

⁵ PREM.0001.0001.00037.

Q5.3 To your knowledge what matters were discussed between Ms Ratcliff and Minister Neville?

32. I have no knowledge of what was discussed between Ms Ratcliff and Minister Neville.

The contents of this affidavit are true and correct and I make it knowing that a person making a false affidavit may be prosecuted for the offence of perjury.

Sworn at Mulgrave)
in the State of Victoria)
On 23 October 2020)



Before me, Steve Mark Palmer
On 23 October 2020



Steve Mark Palmer, of 1 Treasury Place, East Melbourne, VIC, 3002, an Australian Legal Practitioner within the meaning of the Legal Profession Uniform Law (Victoria).

A person authorised under section 19(1) of the *Oaths and Affirmations Act 2018* to take an affidavit.

This affidavit was signed by the deponent by electronic means.

The affidavit was sworn in the presence of the authorised affidavit taker via means of an audio-visual link.

The affidavit and jurat are a scanned electronic copy, not an original.