

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

AFFIDAVIT OF SIMON PHEMISTER

Date of Submissions: 20 October 2020
Filed on behalf of: **The Department of Jobs, Precincts and Regions**

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1 I make this affidavit in response to Notice to Produce 162 issued to me by the Board of Inquiry (**Board**) in my capacity as Secretary, Department of Jobs, Precincts and Regions (**DJPR**) and dated 13 October 2020 (**NTP-162**).

INTRODUCTION

- 2 The Board has sought further information from me about specific conversations I had on 27 March 2020 (**Conversations**) and, in particular, whether private security was discussed in these Conversations.
- 3 As I describe below, on 27 March 2020 I was party to a number of inter-departmental discussions in relation to the State's broader COVID-19 response, including but not limited to the Hotel Quarantine Program (**HQP**). My best recollection, aided by my review of contemporaneous documents, is that private security was not the subject of discussion in any of the Conversations.
- 4 Further, consistent with the evidence that I have already given to the Board, DJPR was directed to engage private security to support authorised officers and Victoria Police in the detention of quarantined travellers during a meeting of the State Control Centre at 4.30 pm on 27 March 2020 (**First SCC Meeting**). It was only after DJPR had received this direction (and *because* it had received this direction) that DJPR moved to identify private security companies and,

later that night, began to contact them. No action was taken by DJPR to engage private security until after the debrief from the First SCC Meeting.

RELEVANT CONTEXT

- 5 At the time the HQP was announced, DJPR was involved in an extensive program of planning and implementing part of the State's response to the COVID-19 pandemic. DJPR was particularly focused on seeking to reduce the impact of business restrictions and the loss of employment, and securing the availability of medical supplies and accommodation.
- 6 On 27 March 2020, I had back-to-back calls and meetings addressing a wide range of critical issues, including some in relation to significant initiatives due to be announced that day, or which were the subject of submissions to the Expenditure Review Committee of Cabinet (**ERC**) in an out of session meeting scheduled that day.
- 7 These initiatives included:
- (a) delivering the \$500 million Business Support Fund to which I refer at paragraph 20(a)(i) of my witness statement dated 13 August 2020 (**First Statement**). My focus on 27 March 2020 was directed towards standing up the application process for business grants of \$10,000. The Fund had been announced on 21 March 2020 and payments were to commence on 27 March 2020. We expected 150,000 businesses to be eligible for that grant, so our focus was on ensuring sufficient resources were available to assess applications and administer the funds. This required the immediate mobilisation of more than 80 personnel within and outside of DJPR;
 - (b) implementing the Working for Victoria fund, to which I refer at paragraph 20(a)(ii) of my First Statement. The Working for Victoria fund had been announced on 21 March 2020 and by 27 March 2020, approximately 45,000 registrations had been received from people seeking assistance to find paid work in jobs that supported the Victorian Community. The deployment of people into jobs through the Working for Victoria initiative was due to commence on 3 April 2020;
 - (c) announcing the \$80 million COVID-19 Accommodation Assistance Program (which became known as Hotels for Heroes), for which DJPR was responsible for sourcing 5,000 hotel rooms (although the announcement, which was to have been on 27 March 2020, was ultimately deferred that day to the following Monday);
 - (d) providing clarity on and preparing industry advisory assistance and supports for businesses restricted as a result of Stage 3 restrictions;
 - (e) implementing the planning we had undertaken in response to projections that hospitals would reach capacity and appropriate overflow space capacity would be required;

- (f) sourcing medical equipment and supplies in the face of intense global competition, and responding to food and grocery supply chain issues;
 - (g) setting up contact centres to assist the flow of information to businesses and the public; and
 - (h) implementing remote working for DJPR staff and associated business continuity planning.
- 8 On 27 March 2020 the HQP became one of a number of important initiatives on which I, and DJPR, was focussed. While it was a large part of that day, it did not remove the need for me to focus on the other important and time pressured matters listed above.
- 9 As a result of the matters I describe above, the volume of communications to which I was party on 27 March 2020, and during the months of March and April in general, was significantly greater than in the course of a usual day.

RESPONSE TO NTP-162

- 10 To answer the Board's questions in NTP-162 and in preparing my First Statement, I reviewed calendar entries, outgoing phone calls, text messages and meeting notes from 27 March 2020.

Discussions with Mr Eccles at 12.20 p.m. on 27 March 2020

- 1 Telephone records produced to the Inquiry indicate that Mr Eccles telephoned you at 12.20 pm with the ensuing call lasting for 6 minutes and 1 second.
- 1.1 Is this the conversation about which you gave evidence to the Inquiry, which you thought had occurred around midday?

- 11 Yes, the phone records more precisely pinpoint the time of Mr Eccles' call to me as 12.20pm. That was the "around midday" call to which I referred in my evidence. That is consistent with the other documents that I have reviewed in relation to the events of 27 March 2020.

Discussions with Mr Eccles at 12.20 p.m. on 27 March 2020

- 1.2 You previously gave evidence that the conversation was brief. Given the records indicate that it lasted for just over 6 minutes, it appears the conversation was longer than you recalled it being.
- (a) Does this refresh your memory regarding the nature and extent of matters discussed during the conversation, in particular as to the use of private security in the Hotel Quarantine Program?
 - (b) If so, what additional matters do you recall being discussed during the conversation?

- 12 My recollection of that call is that it was brief. I remember at the time feeling that the call was rushed.
- 13 My recollection of that conversation with Mr Eccles has not changed by reason of the fact that the call records indicate that the conversation lasted for just over 6 minutes. I stand by my earlier evidence.
- 14 I have no recollection of discussing private security with Mr Eccles at that time. Had we discussed private security, I think that is something I would remember. Further, had Mr Eccles given me an instruction to use private security in that telephone call, I would have communicated that to Claire Febey (which I did not) and my team would have moved forward to identify private security contractors, rather than awaiting the direction which was ultimately received at the First SCC Meeting.

Discussions with Mr Ada at 1.11 p.m. on 27 March 2020

- 2 Telephone records produced to the Inquiry indicate that Mr Tim Ada telephoned you at 1.11 pm with the ensuing call lasting for 1 minute and 36 seconds.
- 2.1 Do you recall speaking with Mr Ada on this day and around this time?
- 2.2 If so, what was discussed during the conversation?

- 15 I communicated with Mr Ada on more than one occasion on 27 March 2020. While I do not recall speaking with Mr Ada specifically at 1.11 pm, I believe that this conversation, as per my evidence previously provided to the Inquiry, would have been when we discussed:
- (a) the time at which detention of returned travellers would commence. While we were working towards midnight on Saturday 28 March 2020, this was not set in stone at the time as the National Cabinet decision was that quarantine was to commence as soon as possible but no later than 11.59 pm Saturday 28 March 2020; and
- (b) what options were available for travellers returning before midnight on Saturday 28 March 2020 who had no other option to self-isolate.

Discussions with Mr Eccles at 1.47 p.m. on 27 March 2020

- 3 Telephone records produced to the Inquiry indicate that Mr Eccles telephoned you again at 1.47 pm with the ensuing call lasting for 3 minutes and 35 seconds.
- 3.1 Do you recall the second conversation?
- 3.2 What was discussed?
- 3.3 Was there any discussion in that later conversation about enforcement options for the proposed hotel quarantine program, including the use of Victoria Police or private security?

- 16 To the best of my recollection this telephone conversation concerned Victoria's proposed approach to preparing a restricted industry list for the purpose of the Stage 3 restrictions, and did not concern the HQP.
- 17 I recall Mr Eccles asking me during this conversation to follow up with a consultant to the Commonwealth Government to discuss Victoria's approach to preparing a restricted industry list, which I did later that evening.

Discussions with Ms Kate Houghton at 8.29 p.m. and 8.49 p.m. on 27 March 2020

- 4 Telephone records produced to the Inquiry indicate that Ms Kate Houghton telephoned you at 8.29 pm with the ensuing call lasting one minute and 54 seconds, and 8.49 pm, with the ensuing call lasting 54 seconds.
- 4.1 Do you recall speaking with Ms Houghton on 27 March on or around those times?
- 4.2 What was discussed?
- 4.3 Were you given any information by Ms Houghton about outcomes from the National Cabinet meeting earlier that day?
- 4.4 Did you discuss the question of private security being used in the program?

- 18 It is my belief that Ms Houghton and I spoke about a particular issue in the chain of custody for returned travellers. At the time it was unclear to us at what point in the chain of custody the Commonwealth's Border Force would transfer control of returned travellers to the State. This unknown was ultimately resolved outside of DJPR by the time the State Control Centre reconvened at 10.00 am on 28 March 2020.
- 19 I do not recall being given any information by Ms Houghton about outcomes from the National Cabinet meeting earlier that day.

- 20 DJPR was instructed to engage private security at the First SCC Meeting some four hours before Ms Houghton phoned me. While I could not say conclusively that we did not speak about the question to use private security (given that I have no notes of these calls), I have no reason to think that we did. There is no indication in any of the records I have reviewed in preparing this affidavit, that Ms Houghton and I discussed the issue of private security, or that my discussion with Ms Houghton resulted in any action in relation to private security.

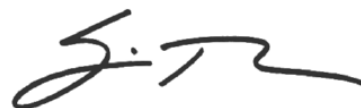
Discussions with Mr Cameron Harrison at 12.32 p.m. on 27 March 2020


- 5 Telephone records produced to the Inquiry indicate that Mr Cameron Harrison, Director of Policy & Cabinet, Premier's Private Office, telephoned you at 12.32 pm with the ensuing call lasting 4 minutes and 10 seconds.
- 5.1 Do you recall speaking with Mr Harrison on 27 March on or around that time?
- 5.2 What was discussed during the conversation?
- 5.3 Were you given any information by Mr Harrison about outcomes from the National Cabinet meeting that day?
- 5.4 Did you discuss the question of private security being used in the program?
- 21 Within the Premier's Private Office, Mr Harrison was my contact for all matters regarding planning for restricted industries, Working for Victoria, the acquisition of vital health equipment, the Business Support Fund and what became known as the Hotels for Heroes program. During this period, it was not unusual for Mr Harrison and me to communicate several times a day.
- 22 As I refer to above, DJPR had been directed by the ERC to roll out the Business Support Fund at pace, with payments to commence on 27 March 2020. This was the subject of an out of session ERC meeting that day. My recollection of this call is that it was about the Business Support Fund as well as some discussion of the restricted industries in Stage 3 restrictions.
- 23 I do not believe that Mr Harrison gave me any information about the outcomes from National Cabinet that day, nor did we discuss the issue of private security. Indeed, I recall asking Mr Harrison whether he knew any details about the HQP (because I was keen to receive more information). Mr Harrison's response was that he did not and that he was focussed on the Business Support Fund and the planning for restricted industries which, as outlined above, were matters of intense time pressure.

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.

This document was electronically signed and witnessed in accordance with the *COVID-19 Omnibus (Emergency Measures) Act 2020*.

AFFIRMED by **SIMON GRANT**)
PHEMISTER)
at Melbourne in the State of Victoria on 20)
October 2020:





Before me: _____
Margot Brown

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

This affidavit, as signed and notated by the authorised affidavit taker, was signed or initialled by the deponent by electronic means. This affidavit was signed and witnessed by means of audio visual link. This affidavit is an electronic copy and is not an original.