

BOARD OF INQUIRY INTO THE COVID-19 HOTEL QUARANTINE PROGRAM

CERTIFICATE IDENTIFYING EXHIBIT "BS-1"

Date of document: 4 November 2020

Filed on behalf of the Department of Health and Human Services

Prepared by:

MINTER ELLISON

Lawyers

Rialto Towers

525 Collins Street

MELBOURNE VIC 3000

Solicitors Code 8510

DX 204 MELBOURNE

Telephone (03) 8608 2000

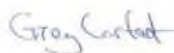
Facsimile (03) 8608 1000

Reference RLB 1305953

This is the exhibit marked "BS-1" now produced and shown to **BRETT SUTTON** at the time of affirming his affidavit on 4 November 2020:



.....
[Signature of deponent]



.....
[Signature of person taking Affidavit]

Gregory John Carfoot

.....
[Name of person taking Affidavit]

MINTER ELLISON

Lawyers

Rialto Towers, 525 Collins Street,

MELBOURNE VIC 3000

An Australian Legal Practitioner within the meaning of the Legal Profession Uniform Law (Victoria).

In accordance with the ***Oaths and Affirmations Act 2018***:

- a) this exhibit certificate was electronically signed by the deponent and by the authorised affidavit taker;
- b) the authorised affidavit taker witnessed the signing of this exhibit certificate by the deponent by audio-visual link; and
- c) this affidavit is an electronic copy of the exhibit certificate, not an original.

Exhibit "BS-1"

A copy of an email from
REDACTED to Professor
Brett Sutton on 16 October 2020
at 7.56am

Fw: Information - Chain of command - people in detention

From: "SCC-Vic (State Controller Health)" <sccvic.sctrl.health@scc.vic.gov.au>
To: "Jason Helps (DHHS)" [REDACTED]
Date: Thu, 2 Jul 2020 10:14:00 +0000

SCC-Vic (State Controller - Health)

State Control Centre | 8 Nicholson Street East Melbourne Victoria 3002
 Ph: 1300 368 722 (1300 EMV SCC) | Fax: 1300 13 4488 | DX: 210098
 Email: sccvic.sctrl.health@scc.vic.gov.au | Web: <https://cop.em.vic.gov.au>

From: Finn Romanes (DHHS) [REDACTED]
Sent: Wednesday, 1 April 2020 8:03 PM
To: Maria Bubnic (DHHS) [REDACTED]; Noel Cleaves (DHHS) [REDACTED]
 [REDACTED] Braedan Hogan (DHHS) [REDACTED]
 [REDACTED]
Cc: StateEmergencyManagementCentre SEMC (DHHS) <semc@health.vic.gov.au>; [REDACTED]
 [REDACTED]
 Anthony J Kolmus (DHHS) [REDACTED] (DHHS)
 [REDACTED]; COVID Directions <COVIDdirections@dhhs.vic.gov.au>; SCC-Vic
 (State Controller Health) <sccvic.sctrl.health@scc.vic.gov.au>; [REDACTED]
 [REDACTED] Meena Naidu (DHHS) [REDACTED] Simon
 Crouch (DHHS) [REDACTED]
Subject: Information - Chain of command - people in detention

Dear colleagues

Thank you for your work.

Just an important reminder: all policy and oversight of **people in detention** is being handled in a strict chain of command, from:

- Chief Health Officer to
- Deputy CHO (today – Simon Crouch) to
- Deputy Public Health Commander Planning (Finn Romanes) to
- Director Health Regulation and Reform (Meena Naidu) to
- Authorised Officers (under Noel Cleaves and some other managers).

It is important that all direction, policy, reporting and arrangements do not break this chain.

If you have any insights or advice – please provide to the individual in the chain you deem most appropriate.

No policies, directions, exemptions, reporting, meetings to agree policy on these people or other activity outside this chain please, unless requested or overseen by the chain.

This strict view is vital to safeguard the wellbeing and duty of care owed by the State to these people and legal and other risks to the department and its staff, who are administering this detention regime on behalf of the Deputy Chief Health Officer and Chief Health Officer.

Legal advice is being provided on a near continuous basis to Meena and myself today on these matters.

I do reiterate a gratitude to Maria, [REDACTED] Noel, Braedan and colleagues for facilitating content for policies and raising important issues for resolution, which we have negotiated in amended form to appear in the soon-to-be released draft Physical Distancing Plan. Thanks all.

Kind regards

Finn

Dr Finn Romanes

Deputy Public Health Commander - Planning

Novel Coronavirus Public Health Emergency

[REDACTED]

Department of Health and Human Services
 State Government of Victoria

From: Maria Bubnic (DHHS) [REDACTED]

Sent: Wednesday, 1 April 2020 7:46 PM

To: Noel Cleaves (DHHS) [REDACTED]; Braedan Hogan (DHHS)

[REDACTED]; Finn Romanes (DHHS) [REDACTED]

[REDACTED]

Cc: StateEmergencyManagementCentre SEMC (DHHS) <semc@health.vic.gov.au>; [REDACTED]

[REDACTED]

Anthony J Kolmus (DHHS) [REDACTED] (DHHS)

[REDACTED] COVID Directions <COVIDdirections@dhhs.vic.gov.au>; [REDACTED]

[REDACTED] 'sccvic.sctrl.health@scc.vic.gov.au'

<sccvic.sctrl.health@scc.vic.gov.au>; [REDACTED]

Subject: RE: Smoking policy - Operation Soteria

Thanks Noel, these are useful insights and a reminder of how challenging the current situation is for all concerned. I gather the nurses are screening all persons under quarantine to identify pre-existing health conditions, management and risks as well as those who may need further assessment for COVID etc. It would be good to include the advice re: smoking cessation options in the protocol to make this available wherever possible. We acknowledge access to smoking areas will still need to be carefully managed on a case by case basis taking account of individual needs, social distancing measures and environmental constraints.

Maria Bubnic

Assistant Director, Population Health

Regulation, Health Protection & Emergency Management Division

50 Lonsdale Street, Melbourne VIC 3040

t [REDACTED]

w. www.dhhs.vic.gov.au

EA Contact: [REDACTED]

I work flexibly so sending this email now works well for me. However, I know we all work differently and respect that you will consider this email at a time that suits your working arrangements.

From: Noel Cleaves (DHHS) [REDACTED]

Sent: Wednesday, 1 April 2020 11:46 AM

To: Maria Bubnic (DHHS) [REDACTED]; Braedan Hogan (DHHS)

[REDACTED]; Finn Romanes (DHHS) [REDACTED]

[REDACTED]

Cc: StateEmergencyManagementCentre SEMC (DHHS) <semc@health.vic.gov.au>; [REDACTED]

[REDACTED]

Anthony J Kolmus (DHHS) [REDACTED]

[REDACTED] COVID Directions <COVIDdirections@dhhs.vic.gov.au>; [REDACTED]

[REDACTED] 'sccvic.sctrl.health@scc.vic.gov.au'

<sccvic.sctrl.health@scc.vic.gov.au>; [REDACTED]

Subject: RE: Smoking policy - Operation Soteria

Hi to all,

I can add that the Crown Promenade has some smoking rooms (4 or 5 from memory) they are located on a different floor. To move a smoker to that floor, potentially many times a day, requires a security guard wearing PPE to escort them to that floor. We felt that the smoker needs to also wear some PPE so that don't potentially cross-contaminate surfaces that a security guard or other people then touch. We couldn't see how we could manage that process on a regular basis so as far as I'm aware we haven't used it.

It is pretty likely that there are smokers smoking in their rooms in the bathrooms etc but obviously that runs the risk of a fire alarm being triggered. We have had a complaint from one room at the Plaza that they could smell tobacco smoke in their room.

I haven't heard anything about smoking rooms at the other two hotels.

I am aware that some of our AO's have made the call to allow two people to leave the Plaza hotel with a security guard to smoke to reduce an escalating situation.

I have also seen nicotine patches and gm at one hotel (Metropole) that is administered on request by the nurses.

Noel Cleaves

Manager Environmental Health Regulation & Compliance | Environmental Health Regulation & Compliance Unit

Health Protection Branch | Regulation, Health Protection & Emergency Management Division

Department of Health and Human Services | 50 Lonsdale Street, Melbourne 3000

[REDACTED]

w. www.dhhs.vic.gov.au

Follow the Chief Health Officer on Twitter [@VictorianCHO](https://twitter.com/VictorianCHO)

From: Maria Bubnic (DHHS) [REDACTED] >

Sent: Wednesday, 1 April 2020 11:24 AM

To: Braedan Hogan (DHHS) [REDACTED]; Finn Romanes (DHHS) [REDACTED]
Cc: StateEmergencyManagementCentre SEMC (DHHS) <semc@health.vic.gov.au>; [REDACTED]
 Anthony J Kolmus (DHHS) [REDACTED]; Noel Cleaves (DHHS) [REDACTED]
 COVID Directions <COVIDdirections@dhhs.vic.gov.au>; [REDACTED]
 'sccvic.sctrl.health@scv.vic.gov.au' <sccvic.sctrl.health@scv.vic.gov.au>; [REDACTED]
Subject: RE: Smoking policy - Operation Soteria
 Yes it did. We plan to finalise the physical activity policy advice today.
Maria Bubnic
 Assistant Director, Population Health
 Regulation, Health Protection & Emergency Management Division
 50 Lonsdale Street, Melbourne VIC 3040
 [REDACTED]
 w. www.dhhs.vic.gov.au
 EA Contact [REDACTED]
I work flexibly so sending this email now works well for me. However, I know we all work differently and respect that you will consider this email at a time that suits your working arrangements.

From: Braedan Hogan (DHHS) [REDACTED]
Sent: Wednesday, 1 April 2020 11:22 AM
To: Finn Romanes (DHHS) [REDACTED]
Cc: StateEmergencyManagementCentre SEMC (DHHS) <semc@health.vic.gov.au>; [REDACTED]
 Anthony J Kolmus (DHHS) [REDACTED]; Noel Cleaves (DHHS) [REDACTED]
 COVID Directions <COVIDdirections@dhhs.vic.gov.au>; Maria Bubnic (DHHS) [REDACTED]
 'sccvic.sctrl.health@scv.vic.gov.au' <sccvic.sctrl.health@scv.vic.gov.au>
Subject: RE: Smoking policy - Operation Soteria
 Hi all – did this progress yesterday?
 Keen to land this and the physical recreation policy today as a priority.
 Braedan
Braedan Hogan
 Deputy Director, Strategy and Policy
 Emergency Management Branch
 Regulation, Health Protection & Emergency Management Division
 Department of Health and Human Services
 50 Lonsdale Street Melbourne Victoria 3000
 [REDACTED]

From: Finn Romanes (DHHS) [REDACTED]
Sent: Tuesday, 31 March 2020 10:35 PM
To: [REDACTED]
Cc: Braedan Hogan (DHHS) [REDACTED]; StateEmergencyManagementCentre SEMC (DHHS) <semc@health.vic.gov.au>; [REDACTED] (DHHS) [REDACTED]; Anthony J Kolmus (DHHS) [REDACTED]; Noel Cleaves (DHHS) [REDACTED]
 COVID Directions <COVIDdirections@dhhs.vic.gov.au>; Maria Bubnic (DHHS) [REDACTED]
Subject: RE: Smoking policy - Operation Soteria
 Hi [REDACTED]
 Could you send through the smoking advice for people in detention – I can place it in the plan ASAP
 Finn
 Dr Finn Romanes
 Deputy Public Health Commander - Planning
 Novel Coronavirus Public Health Emergency
 [REDACTED]

Department of Health and Human Services
State Government of Victoria

From: REDACTED
Sent: Tuesday, 31 March 2020 12:04 PM
To: REDACTED; COVID Directions
<COVIDdirections@dhhs.vic.gov.au>
Cc: Braedan Hogan (DHHS) REDACTED; Finn Romanes (DHHS)
REDACTED; StateEmergencyManagementCentre SEMC (DHHS)
<semc@health.vic.gov.au>; REDACTED; Anthony J
Kolmus (DHHS) REDACTED; Noel Cleaves (DHHS)
REDACTED

REDACTED
Maria Bubnic (DHHS) REDACTED

REDACTED

Subject: RE: Smoking policy - Operation Soteria

Thanks REDA

We have prepared some advice that we will be sending through any second now. Our recommendation is that people will be supported to manage cravings through the provision of nicotine replacement therapy and telephone counselling.

REDACTED

Manager, Tobacco Control
Prevention and Population Health, Regulation, Health Protection & Emergency Management Division
Department of Health and Human Services | GPO Box 4057, Melbourne, Victoria, 3001

p REDACTED

w. www.dhhs.vic.gov.au



Health
and Human
Services



I acknowledge the traditional Aboriginal owners of country throughout Victoria and pay my respect to them, their culture and their Elders past, present and future

From: REDACTED
Sent: Tuesday, 31 March 2020 11:01 AM
To: COVID Directions <COVIDdirections@dhhs.vic.gov.au>
Cc: Braedan Hogan (DHHS) REDACTED; Finn Romanes (DHHS)
REDACTED; StateEmergencyManagementCentre SEMC (DHHS)
<semc@health.vic.gov.au>; REDACTED
(DHHS) REDACTED; Anthony J Kolmus (DHHS)
REDACTED; Noel Cleaves (DHHS) REDACTED

Subject: RE: Smoking policy - Operation Soteria

Hi I'm advised that the key issue is really about people leaving their rooms securely. With the hotel's cooperation establishing a designated smoking room/s (such as how high roller room operates) would be the best solution that has appropriate density and hygiene parameters. (There is exemption under s5A(2) I've copied in REDACTED the tobacco manager and those involved in compliance and enforcement.

REDACTED

Principal Regulatory Policy Advisor Health Protection

t. REDACTED

From: COVID Directions <COVIDdirections@dhhs.vic.gov.au>
Sent: Tuesday, 31 March 2020 10:35 AM
To: REDACTED
Cc: COVID Directions <COVIDdirections@dhhs.vic.gov.au>; Braedan Hogan (DHHS)
REDACTED

Subject: FW: Smoking policy - Operation Soteria

Hi REDAG

I have started today monitoring the COVIC directions inbox. Nice to e-meet you.

RED advised you may be able to assist with this or point me in the direction of someone that may be able to assist?

Regards,

REDACTED

Principal Community Recovery Officer
Emergency Management and Health Protection
South Division
Department of Health and Human Services
8-12 Seymour Street (PO Box 1661), Traralgon, Victoria, 3844

REDACTED

w. www.dhhs.vic.gov.au

From: Braedan Hogan (DHHS) REDACTED

Sent: Monday, 30 March 2020 9:26 PM

To: Finn Romanes (DHHS) REDACTED; Merrin Bamert (DHHS)

REDACTED

Cc: COVID Directions <COVIDdirections@dhhs.vic.gov.au>; StateEmergencyManagementCentre SEMC (DHHS) <semc@health.vic.gov.au>

Subject: RE: Smoking policy - Operation Soteria

Thanks – do we have a health prevention person that can develop this?
We don't have anyone

Braedan Hogan

Deputy Director, Strategy and Policy

Emergency Management Branch
Regulation, Health Protection & Emergency Management Division
Department of Health and Human Services
50 Lonsdale Street Melbourne Victoria 3000

p. REDACTED

e.

From: Finn Romanes (DHHS) REDACTED

Sent: Monday, 30 March 2020 5:53 PM

To: Braedan Hogan (DHHS) REDACTED; Merrin Bamert (DHHS)

REDACTED

Cc: COVID Directions <COVIDdirections@dhhs.vic.gov.au>; StateEmergencyManagementCentre SEMC (DHHS) <semc@health.vic.gov.au>

Subject: RE: Smoking policy - Operation Soteria

There is in principle support in here for allowing a person – if monitored in some way – to have a smoking break on a balcony or outdoors if that is the lesser harm option.

Can you put a proposal up with parameters / strict parameters and I will ask Annaliese to endorse as a policy?

Finn

Dr Finn Romanes

Deputy Public Health Commander - Planning
Novel Coronavirus Public Health Emergency

REDACTED

Department of Health and Human Services
State Government of Victoria

From: Braedan Hogan (DHHS) REDACTED

Sent: Monday, 30 March 2020 5:23 PM

To: Merrin Bamert (DHHS) REDACTED; Finn Romanes (DHHS)

REDACTED

Cc: COVID Directions <COVIDdirections@dhhs.vic.gov.au>; StateEmergencyManagementCentre SEMC (DHHS) <semc@health.vic.gov.au>

Subject: Smoking policy - Operation Soteria

Hi – we need to develop a policy position on allowing smoking at the hotels.

I think this need to be considered with input with AO on the ground and how this can be operationalised.

Braedan

Braedan Hogan

Deputy Director, Strategy and Policy

Emergency Management Branch
Regulation, Health Protection & Emergency Management Division
Department of Health and Human Services
50 Lonsdale Street Melbourne Victoria 3000

p. REDACTED

e.

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BOARD OF INQUIRY INTO THE COVID-19 HOTEL QUARANTINE PROGRAM

CERTIFICATE IDENTIFYING EXHIBIT "BS-2"

Date of document: 4 November 2020

Filed on behalf of the Department of Health and Human Services

Prepared by:
MINTER ELLISON

Lawyers
Rialto Towers
525 Collins Street
MELBOURNE VIC 3000

Solicitors Code 8510
DX 204 MELBOURNE
Telephone (03) 8608 2000
Facsimile (03) 8608 1000
Reference RLB 1305953

This is the exhibit marked "BS-2" now produced and shown to **BRETT SUTTON** at the time of affirming his affidavit on 4 November 2020:



.....
[Signature of deponent]



.....
[Signature of person taking Affidavit]

Gregory John Carfoot

.....
[Name of person taking Affidavit]

MINTER ELLISON

Lawyers
Rialto Towers, 525 Collins Street,
MELBOURNE VIC 3000

An Australian Legal Practitioner within the meaning of the Legal Profession Uniform Law (Victoria).

In accordance with the **Oaths and Affirmations Act 2018**:

- a) this exhibit certificate was electronically signed by the deponent and by the authorised affidavit taker;
- b) the authorised affidavit taker witnessed the signing of this exhibit certificate by the deponent by audio-visual link; and
- c) this affidavit is an electronic copy of the exhibit certificate, not an original.

Exhibit "BS-2"

Ms Skilbeck's email to Professor Brett Sutton of 29 March 2020 and its attachment, the COVID-19 Governance Structure.

DHHS COVID governance structure

From: Melissa Skilbeck (DHHS) [REDACTED]
To: DHHS-M-Executive Board & Support Staff <dhhs-m-executiveboard&supportstaff@dhhs.vic.gov.au>, Andrea Spiteri (DHHS) [REDACTED], Jason Helps (DHHS) [REDACTED], Braedan Hogan (DHHS) [REDACTED], Annaliese Van Diemen (DHHS) [REDACTED], Brett Sutton (DHHS) [REDACTED], Simon Crouch (DHHS) [REDACTED]
Cc: RHPEM Coordination <rhpem.coordination@dhhs.vic.gov.au>, COVID-19 (DHHS) <covid-19@dhhs.vic.gov.au>, covid-19projectmanagementoffice (DHHS) <covid-19projectmanagementoffice@dhhs.vic.gov.au>, COVID Directions <coviddirections@dhhs.vic.gov.au>, COVID_19.HR (DHHS) <covid_19.hr@dhhs.vic.gov.au>
Date: Sun, 29 Mar 2020 15:58:28 +1100
Attachments: DHHS COVID Governance Structure 26.03.2020 v1.1.pptx (70.5 kB)

Colleagues

Due to increasing departmental efforts required by us all to respond to the COVID-19 pandemic, we have implemented a new structure to ensure we meet our obligations under the State Health Emergency Response Plan and the department's accountability to continue our critical services and support our sectors and communities.

Please see attached with leads and key contacts, which we will continue to refine. It is important that we structure ourselves with as much redundancy built in - such as generic email addresses - so we can continue the work if staff do become ill or cannot work for other reasons.

Please note the version number -- this structure reflects today, and many areas will need to move to incident management structures to actively manage the responses as we move towards the peak of the pandemic and beyond.

Please provide updates to names and queries about the governance structure to

rhpem.coordination@dhhs.vic.gov.au.

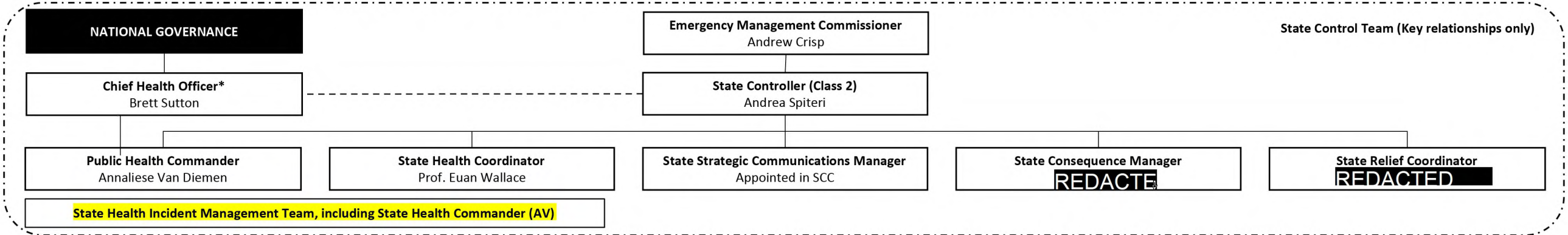
Regards,
Melissa

Melissa Skilbeck

Deputy Secretary | Regulation, Health Protection and Emergency Management
Department of Health and Human Services | 50 Lonsdale Street, Melbourne Victoria 3000

[REDACTED] w. www.dhhs.vic.gov.au

COVID-19 DHHS Governance Structure – 26.03.2020



Public Health Incident Management Team

OPERATIONS
Simon Crouch | Naveen Tenneti
Manage notification, contact tracing; case management; laboratories; Ports of Entry.

SPECIALIST MEDICAL CELL
REDACTED Sarah McGuinness
Provide specialist advice to health and non-health sector on infection control, outbreak management and human biosecurity.

PLANNING
Finn Romanes
Coordinate public health response planning.

PUBLIC HEALTH INFORMATION AND COMMUNICATION
Bruce Bolam | Andrew Hockley
Provide communications for Victorian community and health and human services sectors on COVID-19 pandemic.

CALL CENTRES
Ben Rimmer
Respond to calls from Victorian community about restrictions on events, gatherings and social distancing.

INTELLIGENCE
Kira Leeb | Charles Alpren
Undertake surveillance; epidemiological modelling; informatics; and situational reporting.

LOGISTICS
Mat Williams | REDACTED
Provide corporate services to the Incident Management Team.
Fiona Sparks – IT response.

DHHS Senior Management Team *membership, chaired by Secretary (Reports to DHHS Executive Board)

STATE HEALTH RESPONSE Planning / Preparedness
Terry Symonds* | Helen Mason | REDACTED
Work with health sector – hospitals, primary care, community health, pharmacy, alternative clinics, VIFM and aged care – to enact pandemic preparedness plans.

HEALTH SECTOR LOGISTICS
Respond to emerging supply chain and infrastructure issues for the health sector, including supply and distribution of personal protective equipment to health workforce.
Phuong Pham – Equipment and consumables
Deanne Leaver - Infrastructure

HEALTH AND WELLBEING PMO
Denise Ferrier | REDACTED
Coordinate Health and Wellbeing Division’s response to COVID-19 pandemic.

INTERNAL COMMUNICATIONS
Merita Tabain*
Provide communications on business continuity, health and safety across DHHS
Interface between department and central government, and coordinating all relevant approvals for public health and DPC

PUBLIC AND SECTOR COMMUNICATIONS
Merita Tabain*
Provide communications to the Victorian community and the health and human services sectors on public health issues other than COVID-19 pandemic.
Interface between department and central government, and coordinating all relevant approvals for public health and DPC

PUBLIC INFORMATION
Public Information Officer (rostered)
Liaise with State Control Centre; daily key messages; Vic Emergency.
(Connects with Public Health Information and Communication in Public Health Incident Management Team)

ESSENTIAL SERVICES CONTINUITY (COMMUNITY SERVICES) (PROPOSED)
Argiri Alisandratos* Chris Asquini* Ben Rimmer* Eleri Butler Amity Durham
REDACTED coordination lead
Work with community service organisations (both funded and un-funded) to enact business continuity plans, with a focus on organisations providing direct care and residential services. Also oversees work on WOVG and DHHS projects.
Links to Emergency Accommodation and Human Services logistics

ESSENTIAL SERVICES CONTINUITY (HEALTH)
Whole of DHHS health (non SHERP Response), including Mental Health and Alcohol and Drugs

BUSINESS CONTINUITY
Melissa Skilbeck* - Health Protection and other regulatory functions
Greg Stenton* - Payments, HR/IR
Chris Hotham – Continuity of DHHS infrastructure program
Oversee execution of business continuity plans.

PSYCHOSOCIAL SUPPORT
DHHS Senior Liaison Officer (EM-rostered)
Provide support to ease the psychological and social impacts of COVID-19 pandemic as part of State Relief Team.

EMERGENCY ACCOMMODATION
Diane White
Respond to demand for temporary accommodation to enable vulnerable and high need Victorians and/or key service workers.

HUMAN SERVICES LOGISTICS
Alan Hall
Respond to emerging supply chain issues for the human services sector, including supply and distribution of personal protective equipment to human services workforce.

CROSS-CUTTING DEPARTMENTAL SUPPORT AND COORDINATION (includes public health direction compliance operations and authorised officer team)

COVID 19 COORDINATION rhpem.coordination@dhhs.vic.gov.au Melissa Skilbeck | John Spasevski
Coordinate timely and high quality advice in response to inquiries, complaints and requests from DHHS Ministers’ Offices, State Health Controller, DHHS Secretary and DHHS Senior Management Team regarding the department’s response to COVID-19.
LEGAL SERVICES – including COVID-19 DIRECTIONS coviddirections@dhhs.vic.gov.au Jacinda de Witts | Sean Morrison
Support Chief Health Officer and Deputy Chief Health Officer to issue directions under Public Health and Wellbeing Act 2008; provide advice on interpretation of directions and associated compliance action; and assess requests for exemptions from directions.

COVID-19 CORPORATE SUPPORT
Greg Stenton*
Provide advice to Ministers, Secretary and DHHS Senior Management Team, and guidance to health and community services sectors, on employment matters related to COVID-19



BOARD OF INQUIRY INTO THE COVID-19 HOTEL QUARANTINE PROGRAM

CERTIFICATE IDENTIFYING EXHIBIT "BS-3"

Date of document: 4 November 2020

Filed on behalf of the Department of Health and Human Services

Prepared by:

MINTER ELLISON

Lawyers

Rialto Towers

525 Collins Street

MELBOURNE VIC 3000

Solicitors Code 8510

DX 204 MELBOURNE

Telephone (03) 8608 2000

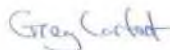
Facsimile (03) 8608 1000

Reference RLB 1305953

This is the exhibit marked "BS-3" now produced and shown to **BRETT SUTTON** at the time of affirming his affidavit on 4 November 2020:



.....
[Signature of deponent]



.....
[Signature of person taking Affidavit]

Gregory John Carfoot

.....
[Name of person taking Affidavit]

MINTER ELLISON

Lawyers

Rialto Towers, 525 Collins Street,

MELBOURNE VIC 3000

An Australian Legal Practitioner within the meaning of the Legal Profession Uniform Law (Victoria).

In accordance with the ***Oaths and Affirmations Act 2018***:

- a) this exhibit certificate was electronically signed by the deponent and by the authorised affidavit taker;
- b) the authorised affidavit taker witnessed the signing of this exhibit certificate by the deponent by audio-visual link; and
- c) this affidavit is an electronic copy of the exhibit certificate, not an original.

Exhibit "BS-3"

*Professor Brett Sutton's email of
1 August 2020 seeking
clarification from* **REDACTED**

RE: FOR APPROVAL: OFFICIAL - Sensitive: National Cabinet documents for the Board of Inquiry

From: "Brett Sutton (DHHS)" <[REDACTED]>
 To: [REDACTED]
 Cc: [REDACTED], "Annalise Bamford (DHHS)" <[REDACTED]>
 Date: Sat, 01 Aug 2020 11:57:22 +1000

Thanks but I'm not what I'm endorsing here – relevance, sensitivity, committee-in-confidence release? Any guidance?

Brett

Adj Clin Prof Brett Sutton MBBS MPHTM FAFPHM FRSPH FACTM MFTM
Victorian Chief Health Officer
Victorian Chief Human Biosecurity Officer
 Department of Health & Human Services | 14 / 50 Lonsdale St
 ph. [REDACTED]
health.vic.gov.au/public-health/chief-health-officer
twitter.com/VictorianCHO

OFFICIAL: Sensitive

From: [REDACTED]
 Sent: Friday, 31 July 2020 3:31 PM
 To: Brett Sutton (DHHS)
 Cc: [REDACTED]
 Subject: FOR APPROVAL: OFFICIAL - Sensitive: National Cabinet documents for the Board of Inquiry

Hi Brett, I was able to check with [REDACTED] when RE called. Confirmed with [REDA] that Annalise does not need to endorse these documents for release. Confirmed that your endorsement does not need to be done by COB today, given the time constraints you have. They are happy to receive your endorsement when you can - MK

Hi Brett

Please find attached 25 emails and attachments relating to AHPPC, hotel quarantine and National Cabinet from 16 to 31 March 2020, which might be relevant to the hotel quarantine inquiry. This is on the request of the team coordinating the COVID-19 Hotel Quarantine Inquiry.

Would you advise if the attachments may be sent to the team. I believe these require your approval and Annalise Bamford's approval by the end of the day.

Many thanks

[REDACTED]

OFFICIAL: Sensitive

From: [REDACTED]
 Sent: Thursday, 30 July 2020 7:02 PM
 To: [REDACTED]
 [REDACTED]
 Cc: [REDACTED]
 [REDACTED]
 Subject: RE: OFFICIAL - Sensitive: National Cabinet documents for the Board of Inquiry

Hi REDACTED

Apologies for the delay – if it assists, a date range of 16 March (when National Cabinet was established) to 31 March would be great.

In particular we are after advice regarding hotel quarantine, including potential discussions on a voluntary program for individuals who would not be able to safely isolate as well as the decision to introduce mandatory quarantine. Kym did mention that the Chief Medical Officer had prepared some advice for Brett before 26 March, but not sure if there were other briefings as well.

Sorry I can't be clearer – we understand these discussions were being held, but it gets a little murky as to what was for AHPPC, National Cabinet or state briefings.

Many thanks

REDACTED

Departmental Engagement Team – Inquiry into the COVID-19 Hotel Quarantine Program
Department of Health and Human Services

m REDACTED

I am working from home until further notice, and am best contacted via Teams, mobile or email

Privileged and confidential for the purposes of responding to the Judicial Inquiry into the COVID-19 Hotel Quarantine Program

OFFICIAL: Sensitive

From: REDACTED

Sent: Thursday, 30 July 2020 5:36 PM

To: REDACTED

REDACTED

Cc: REDACTED

RE:

Subject: RE: OFFICIAL - Sensitive: National Cabinet documents for the Board of Inquiry

Hi REDACTED

Are you able to advise what period (date from to date to) for these papers?

I know you are looking from March but could you advise the end date, please? This is a tight turnaround and we will have to be very specific in our search.

Kind regards

REDACTED

REDACTED

EA to Victorian Chief Health Officer

Health Protection Business Coordination

Health Protection Branch | Regulation, Health Protection and Emergency Management

Department of Health & Human Services | 14 / 50 Lonsdale Street Melbourne Victoria 3000

REDACTED



Follow the Chief Health Officer on Twitter [@VictorianCHO](#)

OFFICIAL: Sensitive

From: REDACTED

Sent: Thursday, 30 July 2020 5:31 PM

To: REDACTED

REDACTED

Cc: REDACTED
REDACTED

Subject: RE: OFFICIAL - Sensitive: National Cabinet documents for the Board of Inquiry

Hi REDACTED,

Many thanks for this – we'd appreciate any formal AHPPC papers/guidance, and also briefings prepared to support Brett in his AHPPC role.

I'm not sure how these may have been packaged up, but hopefully there will be emails from the Secretariat (AHPPC.Secretariat@health.gov.au) with papers.

Not sure if there was a single point for briefings, however.

REDACTED

Departmental Engagement Team – Inquiry into the COVID-19 Hotel Quarantine Program
Department of Health and Human Services

m. REDACTED

I am working from home until further notice, and am best contacted via Teams, mobile or email

OFFICIAL: Sensitive

From: REDACTED

Sent: Thursday, 30 July 2020 5:16 PM

To: REDACTED

REDACTED

Cc: REDACTED

REDACTED

Subject: RE: OFFICIAL - Sensitive: National Cabinet documents for the Board of Inquiry

Thanks REDACTED,

Hi REDACTED, would you kindly advise which specific documents you are looking for, please? I was not at DHHS in March but will look through Brett's Inbox.

Kind regards

REDACTED

REDACTED

EA to Victorian Chief Health Officer

Health Protection Business Coordination

Health Protection Branch | Regulation, Health Protection and Emergency Management

Department of Health & Human Services | 14 / 50 Lonsdale Street Melbourne Victoria 3000

P REDACTED



Follow the Chief Health Officer on Twitter [@VictorianCHO](https://twitter.com/VictorianCHO)

OFFICIAL: Sensitive

From: REDACTED

Sent: Thursday, 30 July 2020 5:12 PM

To: REDACTED

Cc: REDACTED (DHHS)

REDACTED

Subject: RE: OFFICIAL - Sensitive: National Cabinet documents for the Board of Inquiry

Hi REDACTED, REDACTED is taking a few days off, so you will need to talk to me about these – but It will

be me, REDACTED. I'll get back to you tomorrow but I don't have every document from March.
REDACTED do you have the full record?

Kind Regards

REDACTED

Senior Project Officer | Intergovernmental Relations
Strategy and Planning Division
Department of Health & Human Services
11/50 Lonsdale Street, Melbourne, Victoria 3000
tREDACTED

w. www.dhhs.vic.gov.au

I am currently working from home; if you need to speak with me urgently please call my mobile number above.

OFFICIAL: Sensitive

From: REDACTED

Sent: Thursday, 30 July 2020 4:57 PM

To: REDACTED

REDACTED

Subject: RE: OFFICIAL - Sensitive: National Cabinet documents for the Board of Inquiry

Hi REDAC and REDAC

I am hoping you are able to assist in providing AHPPC briefings that were prepared in March.

By way of background, I am part of the team supporting the department's engagement with the Board of Inquiry into the hotel quarantine program.

At this stage, we are requesting the documents for the purpose of preparing witness statements. The documents will be shared with our legal representatives (MinterEllison) and Counsel, but not directly with the Board at this stage.

We have already engaged with Brett and have some documents relevant to this scope, but for completeness were hoping you could assist in providing all briefings prepared.

Also, apologies, but we were hoping to be able to obtain these **tomorrow, 31 July**, as we are under very tight timeframes.

Very happy to discuss if you have any questions.

Warm regards

REDACTED

Departmental Engagement Team – Inquiry into the COVID-19 Hotel Quarantine Program
Department of Health and Human Services

mREDACTED

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OFFICIAL: Sensitive

From: REDACTED

Sent: Thursday, 30 July 2020 3:41 PM

To: REDACTED

Cc: Intergovernmental Relations Directorate (DHHS)

<IntergovernmentalRelationsDirectorate@dhhs.vic.gov.au>; REDACTED (DHHS)

REDACTED

Subject: RE: OFFICIAL - Sensitive: National Cabinet documents for the Board of Inquiry

Hi REDA

I can certainly have a look and see what we have from March, but we only started the National Cabinet team around mid-late March, so not sure how much we will have. I'll do some investigating!

As to AHPPC, REDACTED is the best person to contact for those requests. He can then make sure those docs go up via the right channels (i.e. the CHO and appropriate DepSec).

Thanks,

REDACTED

REDACTED

National Cabinet Directorate (Health and Public Health)
Intergovernmental Relations, Strategy Planning and Impact Branch
Strategy and Planning Division
Department of Health and Human Services
Level 11, 50 Lonsdale Street, Melbourne VIC 3000

m: REDACTED

e: REDACTED | w: www.dhhs.vic.gov.au

PROTECTED – CABINET IN CONFIDENCE

From: REDACTED

Sent: Thursday, 30 July 2020 3:28 PM

To: REDACTED

Cc: Intergovernmental Relations Directorate (DHHS)

<IntergovernmentalRelationsDirectorate@dhhs.vic.gov.au>

Subject: OFFICIAL - Sensitive: National Cabinet documents for the Board of Inquiry

Hi REDACTE

I'm hoping you may be able to assist in providing National Cabinet (and potentially AHPPC) papers to support the department's engagement with the Board of Inquiry into the hotel quarantine program.

In discussions with Kym this afternoon, she mentioned there were a number of briefings and/or input provided into National Cabinet processes, which are relevant to us responding to the Board.

In particular, we are seeking documents from March, including a paper prepared around 25/26 March.

Would you be able to assist with providing these? Also, would you be the best person to provide AHPPC briefings, or would REDACTED be the appropriate contact?

Very happy to discuss.

Many thanks

REDACTED

Departmental Engagement Team – Inquiry into the COVID-19 Hotel Quarantine Program
Department of Health and Human Services

m: REDACTED

I am working from home until further notice, and am best contacted via Teams, mobile or email

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OFFICIAL: Sensitive

BOARD OF INQUIRY INTO THE COVID-19 HOTEL QUARANTINE PROGRAM

CERTIFICATE IDENTIFYING EXHIBIT "BS-4"

Date of document: 4 November 2020

Filed on behalf of the Department of Health and Human Services

Prepared by:
MINTER ELLISON

Lawyers
Rialto Towers
525 Collins Street
MELBOURNE VIC 3000

Solicitors Code 8510
DX 204 MELBOURNE
Telephone (03) 8608 2000
Facsimile (03) 8608 1000
Reference RLB 1305953

This is the exhibit marked "BS-4" now produced and shown to **BRETT SUTTON** at the time of affirming his affidavit on 4 November 2020:



.....
[Signature of deponent]



.....
[Signature of person taking Affidavit]

Gregory John Carfoot

.....
[Name of person taking Affidavit]

MINTER ELLISON

Lawyers
Rialto Towers, 525 Collins Street,
MELBOURNE VIC 3000

An Australian Legal Practitioner within the meaning of the Legal Profession Uniform Law (Victoria).

In accordance with the **Oaths and Affirmations Act 2018**:

- a) this exhibit certificate was electronically signed by the deponent and by the authorised affidavit taker;
- b) the authorised affidavit taker witnessed the signing of this exhibit certificate by the deponent by audio-visual link; and
- c) this affidavit is an electronic copy of the exhibit certificate, not an original.

Exhibit "BS-4"

Ms Bamford's reply to Professor Brett Sutton's email of 1 August 2020.

From: Annalise Bamford (DHHS)
Sent: Saturday 1 August 2020 04:47:56 PM
To: Brett Sutton (DHHS); Monica Kuek (DHHS)
Cc: REDACTED
Subject: RE: FOR APPROVAL: OFFICIAL - Sensitive: National Cabinet documents for the Board of Inquiry

Fair enough – its not very clear.

I think this will be for release to Counsel Assisting, though that's not clear here either.

Your endorsement would be for relevance to the terms of the inquiry and any special handling the Inquiry should be aware of.

AB

Annalise Bamford

A/Deputy Secretary, COVID-19 Public Health Division

t. REDACTED

Department of Health and Human Services | 50 Lonsdale St, Melbourne VIC 3000

My work days are Wednesday, Thursday, Friday Saturday. I job share with Jacinda de Witts who works Sunday, Monday, Tuesday, Wednesday. Jacinda can be contacted on 0400 399 136.

Principal Advisor: REDACTED

t. REDACTED

Senior Coordinator REDACTED

t. REDACTED

OFFICIAL: Sensitive

From: Brett Sutton (DHHS) REDACTED
Sent: Saturday, 1 August 2020 11:57 AM
To: REDACTED
Cc: REDACTED Annalise Bamford (DHHS)
 REDACTED
Subject: RE: FOR APPROVAL: OFFICIAL - Sensitive: National Cabinet documents for the Board of Inquiry

Thanks but I'm not what I'm endorsing here – relevance, sensitivity, committee-in-confidence release? Any guidance?

Brett

Adj Clin Prof Brett Sutton MBBS MPHTM FAFPHM FRSPH FACTM MFTM

Victorian Chief Health Officer

Victorian Chief Human Biosecurity Officer

Department of Health & Human Services | 14 / 50 Lonsdale St

ph: [REDACTED]
health.vic.gov.au/public-health/chief-health-officer
twitter.com/VictorianCHO

OFFICIAL: Sensitive

From: [REDACTED]
Sent: Friday, 31 July 2020 3:31 PM
To: Brett Sutton (DHHS) [REDACTED]
Cc: [REDACTED]
Subject: FOR APPROVAL: OFFICIAL - Sensitive: National Cabinet documents for the Board of Inquiry

Hi Brett, I was able to check with [REDACTED] when [REDACTED] called. Confirmed with [REDACTED] that Annalise does not need to endorse these documents for release. Confirmed that your endorsement does not need to be done by COB today, given the time constraints you have. They are happy to receive your endorsement when you can - MK

Hi Brett

Please find attached 25 emails and attachments relating to AHPPC, hotel quarantine and National Cabinet from 16 to 31 March 2020, which might be relevant to the hotel quarantine inquiry. This is on the request of the team coordinating the COVID-19 Hotel Quarantine Inquiry.

Would you advise if the attachments may be sent to the team. I believe these require your approval and Annalise Bamford's approval by the end of the day.

Many thanks
[REDACTED]

OFFICIAL: Sensitive

From: [REDACTED]
Sent: Thursday, 30 July 2020 7:02 PM
To: [REDACTED]
[REDACTED]
Cc: [REDACTED]
[REDACTED]
Subject: RE: OFFICIAL - Sensitive: National Cabinet documents for the Board of Inquiry

Hi [REDACTED]

Apologies for the delay – if it assists, a date range of 16 March (when National Cabinet was established) to 31 March would be great.

In particular we are after advice regarding hotel quarantine, including potential discussions on a voluntary program for individuals who would not be able to safely isolate as well as the decision to

introduce mandatory quarantine. Kym did mention that the Chief Medical Officer had prepared some advice for Brett before 26 March, but not sure if there were other briefings as well.

Sorry I can't be clearer – we understand these discussions were being held, but it gets a little murky as to what was for AHPPC, National Cabinet or state briefings.

Many thanks

REDACTED

Departmental Engagement Team – Inquiry into the COVID-19 Hotel Quarantine Program
Department of Health and Human Services

m **REDACTED**

I am working from home until further notice, and am best contacted via Teams, mobile or email

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OFFICIAL: Sensitive

From: **REDACTED**

Sent: Thursday, 30 July 2020 5:36 PM

To: **REDACTED**

REDACTED

Cc: **REDACTED**

RED

Subject: RE: OFFICIAL - Sensitive: National Cabinet documents for the Board of Inquiry

Hi **REDACTED**

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I know you are looking from March but could you advise the end date, please? This is a tight turnaround and we will have to be very specific in our search.

Kind regards

REDACTED

REDACTED

EA to Victorian Chief Health Officer

Health Protection Business Coordination

Health Protection Branch | Regulation, Health Protection and Emergency Management

Department of Health & Human Services | 14 / 50 Lonsdale Street Melbourne Victoria 3000

REDACTED



Follow the Chief Health Officer on Twitter [@VictorianCHO](https://twitter.com/VictorianCHO)

OFFICIAL: Sensitive

From: REDACTED
Sent: Thursday, 30 July 2020 5:31 PM
To: REDACTED
REDACTED
cc: REDACTED (DHHS)
REDACTED
Subject: RE: OFFICIAL - Sensitive: National Cabinet documents for the Board of Inquiry

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Department of Health and Human Services

REDACTED

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REDACTED
cc: REDACTED
REDACTED
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REDACTED

REDACTED

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Health Protection Business Coordination
Health Protection Branch | Regulation, Health Protection and Emergency Management
Department of Health & Human Services | 14 / 50 Lonsdale Street Melbourne Victoria 3000

REDACTED



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 Sent: Thursday, 30 July 2020 5:12 PM
 To: REDACTED
 Cc: REDACTED
 REDACTED
 REDACTED
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REDACTED

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Department of Health and Human Services

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Sent: Thursday, 30 July 2020 3:41 PM

To: **REDACTED**

Cc: Intergovernmental Relations Directorate (DHHS)

<IntergovernmentalRelationsDirectorate@dhhs.vic.gov.au>; **REDACTED** (DHHS)

REDACTED

Subject: RE: OFFICIAL - Sensitive: National Cabinet documents for the Board of Inquiry

Hi Emily,

I can certainly have a look and see what we have from March, but we only started the National Cabinet team around mid-late March, so not sure how much we will have. I'll do some investigating!

As to AHPPC, **REDACTED** is the best person to contact for those requests. He can then make sure those docs go up via the right channels (i.e. the CHO and appropriate DepSec).

Thanks,

REDACTED

REDACTED

National Cabinet Directorate (Health and Public Health)
Intergovernmental Relations, Strategy Planning and Impact Branch
Strategy and Planning Division
Department of Health and Human Services
Level 11, 50 Lonsdale Street, Melbourne VIC 3000

REDACTED

e: IntergovernmentalRelationsDirectorate@dhhs.vic.gov.au | w: www.dhhs.vic.gov.au

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To: REDACTED

Cc: Intergovernmental Relations Directorate (DHHS)

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Department of Health and Human Services

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OFFICIAL: Sensitive