

BOARD OF INQUIRY INTO THE COVID-19 HOTEL QUARANTINE PROGRAM

FURTHER AFFIDAVIT OF BRETT SUTTON

Date of document: 12 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

I, **BRETT SUTTON** of 50 Lonsdale Street Melbourne in the State of Victoria, Chief Health Officer, Department of Health and Human Services Victoria, solemnly, sincerely and truly affirm and declare that:

1. I refer to my affidavit affirmed 3 November 2020 (**my first affidavit**) and adopt the defined terms from my first affidavit.
2. In my first affidavit, at paragraphs 72 and 78, I stated that I was aware that the Department was conducting further searches for emails that fell within the terms of question 13 and 14.
3. On 10 November 2020, I received a bundle of documents relating to question 13 (**question 13 bundle**). Now produced and shown to me and marked BS2-1 is the question 13 bundle.
4. On that day, I also received a bundle of documents relating to question 14 (**question 14 bundle**). Now produced and shown to me and marked BS2-2 is the question 14 bundle.
5. I have reviewed those bundles.

Question 13 bundle

6. Further to my answers to questions 13 to 15 in my first affidavit, I now recall the emails that I received and sent to Professor Euan Wallace on 13 April 2020, at pages 140 and 141 of the question 13 bundle.
7. I did not recall those emails in preparing my statement to the Board dated 13 August 2020 or giving evidence to the Board on 16 September 2020 (together, **my evidence**).
8. However, the matters I raised in my email to Prof Wallace on 13 April 2020 are consistent with my evidence and went to the heart of the concerns I had at the time; that public health were not briefed and were not involved and did not have operational control of matters in respect of which we felt we had a moral and perhaps legal responsibility. I expressed these views in my evidence.
9. I now also have some recollection of speaking to Prof Wallace on the matters raised in those emails but do not recall that we came to any resolution or conclusion.

Greg Corbett

Brett Sutton

10. I think the emails broadly reflect my evidence and highlight that public health were not in day to day decision making roles.
11. As to the other documents in the question 13 bundle, I do not otherwise specifically recall becoming aware of them at the time or in the preparation of my evidence, other than is evident from my emails in that bundle or how I expressed my views on the matters addressed in those emails in my evidence.

Question 14 bundle

12. I have also reviewed the question 14 bundle. I did not read the attachments to Dr Romanes' email on page 1 of that bundle in preparing my statement or before I gave evidence.
13. I also did not read Dr Romanes' email on pages 8-10 of that bundle in preparing my statement or before I gave evidence.

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.

Affirmed at Melbourne

in the State of Victoria

on 12 November 2020



(signature of person swearing or affirming the affidavit contents, to be signed in front of the authorised affidavit taker)

Before me



(signature of authorised affidavit taker)

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)

(name of authorised affidavit taker)

on 12 November 2020

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

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

- this affidavit was electronically signed by the deponent and by the authorised affidavit taker;
- the authorised affidavit taker administered and witnessed the affirmation taken by the deponent in respect of this affidavit by audio-visual link;
- the authorised affidavit taker witnessed the signature of the affidavit by the deponent by audio-visual link; and
- this affidavit is an electronic copy of the affidavit, not an original.