

IN THE MATTER OF  
THE BOARD OF INQUIRY INTO  
THE HOTEL QUARANTINE PROGRAM

**STATEMENT OF CLAIRE ALANA FEBEY**  
EXECUTIVE DIRECTOR, PRIORITY PROJECTS UNIT, DEPARTMENT  
OF JOBS, PRECINCTS & REGIONS

I, **CLAIRE ALANA FEBEY**, Executive Director, Department of Jobs, Precincts and Regions (DJPR), say as follows in response to the Notice to Produce a Witness Statement issued by the Board and dated 17 August 2020:

**Q1. What is your title and role within the Department of Jobs, Precincts and Regions (DJPR)?**

1. I currently hold the position of Executive Director of the Priority Projects Unit, which is within the Office of the Secretary, DJPR. In this role I am responsible for delivering strategy and policy projects, working in collaboration with groups across DJPR.

**Q2. What is your relevant professional background and work history?**

2. Prior to my current role, I held the role of Director, Priority Projects Unit, DJPR. I have worked at DJPR, in total, for around 18 months.
3. Before DJPR, I worked for a period of around five years in the community services sector at Save the Children Australia. This was initially in strategy and business development, and then later in operational leadership roles.
4. Before my time in the community sector, I worked in a range of roles at the Department of Premier and Cabinet (DPC) for around six years. These roles also had a policy focus, including social policy and international policy.

5. Prior to working in government, I worked in the private sector, in a strategic communication consulting firm, and in the not-for-profit sector.

## INITIAL INVOLVEMENT

### **Q3. When were you first made aware of the proposal for a Hotel Quarantine Program for overseas travellers?**

6. I first became aware of the Hotel Quarantine Program (**Program**) shortly before 12.30 pm on 27 March 2020 when Simon Phemister, Secretary, DJPR called me to inform me that international travellers returning to Australia would be subject to mandatory quarantine (**Initial Call**).

### **Q4. At the time you learned of the proposal what did you understand DJPR's role in it was to be?**

7. When the Secretary, DJPR initially briefed me in the Initial Call I understood that DJPR would be responsible for the end to end process for the Program.

### **Q5. Were you a participant in a meeting convened by Simon Phemister at approximately 12:30 on 27 March 2020? What was discussed at that meeting?**

8. Yes, this meeting (**12.30 Meeting**) was convened shortly after I spoke to the Secretary, DJPR in the Initial Call. In the 12.30 Meeting the Secretary, DJPR, briefed us on what he had been informed had been agreed at National Cabinet that day, in relation to mandatory quarantine for international arrivals in Australia. He said that the Premier would be making an announcement about the Program that afternoon, and words to the effect that DJPR was the lead agency and I was the project lead for DJPR.
9. We discussed what we expected would be announced by the Premier, and we began talking through our very first set of ideas and thoughts about what an end to end plan would look like and who the key contacts and agencies would be.
10. As the lead agency, we knew that we needed to work quickly and get things in place, even though there remained a lot of uncertainty at that stage about how the Program would

ultimately operate. Although I do not have a clear recollection of the detail of the matters discussed at the 12.30 Meeting, I made notes at the time.<sup>1</sup>

I have since been provided with a copy of notes that I am informed were taken by Charles Rankin, Director, Office of the Secretary, during the meeting.<sup>2</sup>

## ROLE OF THE DEPARTMENT LEAD

**Q6. The Board understands that you were appointed to the role of the Department's Lead for the Hotel Quarantine Program (Department Lead) on 27 March 2020. What were your duties and responsibilities as the Department Lead?**

11. When I was initially appointed to the role of DJPR Lead on 27 March 2020, I understood that I would be responsible for putting in place the whole process.
12. As I describe later in my statement, by the following day it was made clear that this was neither my, nor DJPR's, role. DJPR was to act in the role of support agency only – supporting the Department of Health and Human Services (**DHHS**) in its role as control agency, by providing particular services which were to be performed at the direction and under the authority of DHHS.
13. The actual role I ended up performing involved:
  - (a) acting as the key liaison point between DJPR, the State Control Centre and other departments – predominantly (but not only) DHHS;
  - (b) representing DJPR at daily interagency meetings that were convened at the State Control Centre by the Deputy State Controller, Health;
  - (c) leading conversations around roles and responsibilities – to clarify how DJPR fitted into the overall structure and the functions and roles that were to be performed by DJPR;

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<sup>1</sup> DJP.202.002.0001 (pp 8-10, through to the bold heading "SCC", following which appear to be notes that I took at a State Control Centre meeting).

<sup>2</sup> DJP.201.002.0001.

- (d) escalating issues for decision – within Operation Soteria, to the Deputy State Controller, Health and internally (for example where decisions needed to be made about contracting additional hotels or expenditure) to the Secretary, DJPR; and
- (e) leading the daily stand up calls that we had within DJPR to hear what was happening on the ground in hotels and in the call centre that DJPR had provisioned (the Government Support Service) (**GSS Call Centre**), to discuss expected passenger arrival numbers and to understand what hotel stock was available or needed.

**Q7. In your role as Department Lead between 27 March and 12 April 2020 –**

**(a) to whom did you report within the Department?**

14. I reported to the Secretary, DJPR.

**(b) to whom (if anyone) did you report within Operation Soteria?**

15. I am not sure that I saw myself as having a reporting line within Operation Soteria, but my key contacts, on whose directions I was required to (and did) act were the Deputy State Controllers, Health (Chris Eagle and Scott Falconer) (**Deputy State Controllers**).
16. Other important contacts, also on whose directions I acted, were the State Controllers, Health (Jason Helps and Andrea Spiteri), and DHHS Agency Commanders (Braedan Hogan and Coralie Hardingham).

**(c) who (if anyone) was your point of liaison within the Department of Health and Human Services (DHHS)?**

17. My points of liaison with DHHS were the State Controllers, Deputy State Controllers and the DHHS Agency Commanders.
18. My liaison with the State Controllers was limited to the most critical matters. This included early negotiations regarding DJPR's role within Operation Soteria and requirements by DHHS of the broader COVID-19 Emergency Accommodation program.

19. The Deputy State Controllers chaired the daily interagency meetings and I saw them as the point of escalation for me in the structure for Operation Soteria.
20. I understood the Agency Commanders to be working at the direction of the Deputy State Controllers. I would deal with the Agency Commanders on the detail of issues coming out of the operation, on matters relating to staffing, or to request advice on protocols, policies or procedures. If I felt that I was not getting the traction that I wanted, then I would escalate to the Deputy State Controllers.

**(d) who (if anyone) was your point of liaison within Emergency Management Victoria (EMV)?**

21. Andrew Crisp, Emergency Management Commissioner.

**(e) what lines of communication were in place between the Department and other agencies?**

22. Every day at 1.30 pm there would be a multi-agency call, where we could communicate with other agencies. There otherwise would have been considerable on-the-ground contact with other agencies, particularly:
  - (a) in the preparation phase on 28 March 2020, in particular when we had the dry run through at the airport;
  - (b) every time there was a process to assess; and
  - (c) when DJPR activated each hotel there would be a number of agencies in attendance.
23. Personally, my interagency connections predominantly occurred through the 1.30 pm calls, though of course, in relation to DHHS specifically, I would communicate through the points of liaison I have identified above.
24. Members of the DJPR team would have had various interactions with specific agencies on an as-needs basis, by meetings, phone or by email – particularly in the preparatory stages when DJPR was of the view that it had a leadership role to play in the Program.

**(f) how did communication occur?**

25. I cannot speak with any certainty as to how other members of my team communicated with other agencies, except in relation to onsite meetings, which were obviously in person.
26. In addition to the daily 1.30 pm meeting, I had numerous in person meetings at the State Control Centre at the Deputy State Controllers request. This included formal meetings with some attendees joining by phone or online, as well as informal meetings to understand and progress issues arising. As much as possible I would document key decisions or issues via email. Emails were a key form of communication.

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**Q8. Why did you cease in the role of Department Lead?**

27. I ceased in the role of Department Lead because the Secretary, DJPR asked me to take up a different role: to coordinate projects within Mission 3. Mission 3 was an organising structure for the department's emergency response work as part of the government's broader COVID-19 response.

**Q9. Did you have any further involvement in the hotel quarantine program after 12 April 2020? If so, what was that involvement?**

28. Yes, I had ongoing involvement in the Program, which became one of the projects in the Mission 3 structure, which I was responsible for coordinating. In that capacity, I convened meetings where project leads (including for the Program) came together to talk about issues in relation to their projects (providing general updates and information about risks and resourcing needs); and I supported project leads in relation to issues raised, as required.
29. My team, the Priority Projects Unit, also supported the preparation of advice to the Crisis Council of Cabinet on expenditure through the COVID-19 Emergency Accommodation program which included Hotel Quarantine.

**FIRST SCC MEETING RELATING TO THE PROGRAM****Q10. Did you attend the State Control Centre for a planning meeting regarding the hotel quarantine program on 27 March 2020? What was your understanding of the purpose of and matter to be discussed at that meeting?**

30. Yes, I attended the meeting at the State Control Centre on 27 March 2020 (**First SCC Meeting**). I understood that the meeting would be a planning meeting.
31. I understood that the meeting would be chaired by State Control, that a number of agencies would be in attendance, that it was to be held shortly after the Premier's announcement in relation to the Program, and that we were all coming together to talk about planning and the role that different agencies would play.

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**Q11. At the time the meeting commenced, did you have any information about whether there would be a role for private security companies in the hotel quarantine program?**

32. It is difficult to pinpoint now what I knew and thought about various matters at particular points in time in preparing for the Program. The process, and my thinking, was evolutionary based on information that I had received from different sources at different times.
33. The only thing I can say with certainty is that, initially on turning my mind to this issue in preparing for this Inquiry (before I had reviewed relevant contemporaneous records, which I have now done) it was my recollection that:
- (a) the decision to use private security in the Program was communicated to me in the First SCC Meeting, such that when I left the First SCC Meeting I understood that a directive had been issued to engage private security;
  - (b) I left the meeting understanding that DJPR needed to source private security; and
  - (c) how private security was to operate was an open issue.
34. The best guide I have to what I knew and thought at relevant times is the information contained in the various contemporaneous records, including my diary notes (and Slack messages – Slack being an instantaneous message application by which my team communicated in the initial set-up phase, before DJPR understood that it was not leading the process) (**Slack Thread**).<sup>3</sup>
35. I can see from the Slack Thread that prior to the First SCC Meeting I had a working assumption that we would “*likely*” need, as part of the security stream, private security, police and authorised officers, and that “*we will get more information on the scc call*”.<sup>4</sup>
36. At that point, DJPR had end to end mapping responsibility for the whole process, so we were turning our minds to what we might need for the security stream of work (and for all aspects of Program establishment), and we were mapping that out. We were trying to create structure and clarity to guide our planning, despite the ambiguity.

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<sup>3</sup> DJP.500.001.0001.

<sup>4</sup> DJP.500.001.0001 at .0005.

37. That I had a working assumption by the time of the First SCC Meeting is also apparent in that meeting, where I test my assumptions with Victoria Police. This can be seen in the recording of that meeting (from 22:30 minutes).<sup>5</sup>
38. I do not know exactly how I formed this assumption, but I can say that, by the time the First SCC Meeting took place, I had communicated with a number of people, including:
- (a) The Secretary, DJPR in the 12.30 Meeting and Unni Menon, Executive Director, Aviation Strategy and Services, DJPR (who was responsible for procuring hotels), with whom I had discussed in general terms the need to check with hotels their capacity to provision security, food and cleaning services; and
  - (b) various other people who were feeding me information in the course of the preparatory process, as is evident from the Slack Thread.

**Q12. Who decided that private security companies would be engaged? Was it during the meeting or at some other time?**

39. I do not know who made the decision that private security companies would be engaged in the Program. To my mind, that decision was, however, communicated in the First SCC Meeting, as a directive. It was my job to implement the decision, not to make it.

**Q13. Who decided or directed that DJPR should take the role of engaging private security to act as frontline security at quarantine hotels? What reasons were given for that decision or direction?**

40. As can be seen from my notes of the 12.30 Meeting,<sup>6</sup> for obvious reasons, we considered that Victoria Police would be responsible for the security framework of the Program. It is also readily apparent from the recording of the First SCC Meeting that we defer to Victoria Police in its determination of the security framework (from 22:30, 46:15 – 54:30 minutes).<sup>7</sup>
41. That private security would be the “first line of security” in the Program was presented as a fait accompli in the First SCC Meeting (from 22:30, 46:15 – 54:30 minutes). The assumption (including my own) was that DJPR would be responsible for engaging security

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<sup>5</sup> DJP.007.001.0003.

<sup>6</sup> DJP.202.002.0001 (pp 8-10, through to the bold heading “SCC”).

<sup>7</sup> DJP.007.001.0003.

now that a decision had been made, as can be seen from the following interaction (46:15 – 54:30 minutes):

*MR CRISP: Sorry, John, can we – and again, apologies, I missed – I had to step out again. But in terms of security at accommodation, have we covered that? So, private security, Victoria Police? I understand the preference of Victoria Police, or the Chief Commissioner, is that private security be the first line of security, and then police to respond as required. Is that your understanding, Mick?*

*MR GRAINGER: Yes, it's Mick Grainger here. Absolutely that's our preference.*

*MR CRISP: So just curious as to who's going to take responsibility around contracting private security? Is that DJPR? Claire?*

*MS FEBEY: Yes. I understand that that's for us to take up. So I'd like to have a follow up conversation with Mick [Grainger, Victoria Police] and just understand a little bit more about how he sees that best working, and then we're happy to make sure that the right arrangements are made, both in hotels and also in exploring what the arrangements might be with the transport as well.*

42. At that time, I understood that DJPR was the end to end process lead, so I had assumed that DJPR would procure whatever was needed to establish the Program in that capacity. In addition, internally at DJPR we had discussed earlier that day (at the 12.30 Meeting) provisioning by hotels of security (in general terms, along with cleaning and food) – so it was already within my contemplation that we were taking on these matters.
43. Even with the direction from the First SCC Meeting, we still did not know how much private security would be needed, because the detention directions had not yet been finalised and we did not understand the level of involvement of authorised officers or other agencies, such as Victoria Police.

**Q14. At that meeting, what was the role of Victoria Police determined to be and by whom?**

44. It was not apparent at the time of the First SCC Meeting what the role of Victoria Police would be in enforcement, as can be seen from the transcript (from 22:30, and at 24:48 minutes), where Victoria Police said as follows:

*But then in terms of security, there would be private security, and then police would have a role perhaps around that as well, but we'd have to work through what that looks like.*

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45. It was my understanding that Victoria Police would determine in due course what its role would be.
46. As I have already said, at that stage, through to 28 March 2020, there remained substantial uncertainty as to roles and responsibilities, because the directions which underpinned the Program had not yet been determined.

**Q16. What steps did you take as a result of the decisions taken at that meeting?**

47. I left the First SCC Meeting with a number of actions, and I then commissioned those actions through the DJPR team. This can be seen from the Slack Thread.
48. The Journey Map and Action Plan circulated later that night identified, among other things, which DJPR team members were allocated what areas of responsibility.<sup>8</sup>
49. That night we also had further discussions about the different workforces and contracts we would need to stand up, and we did more work on end to end process mapping and the assignment of leads to different parts of the process; to dig deeper into the required roles and functions at each point of the journey.

## CONTACT WITH VICTORIA POLICE

**Q17. Did you speak with Deputy Commissioner Nugent and/or any other officer of Victoria Police regarding security operations and arrangements for the hotel quarantine program? When did you speak, and what was discussed?**

50. I do not believe that I spoke to Deputy Commissioner Nugent, and I am unsure as to whether I sought to contact him on 27 March 2020, or whether subsequent events overtook that initiative, including the First SCC Meeting.
51. Later that evening of 27 March 2020, the Secretary, DJPR informed me that the Emergency Management Commissioner was our conduit to uniforms – that is, we were no longer to deal directly with Victoria Police (or Border Force).

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<sup>8</sup> DJP.101.002.6347, DJP.101.002.6348.

52. In a third planning meeting at the State Control Centre the following evening<sup>9</sup> (**Third SCC Meeting**) (a second meeting having been held at around 10.00 am on 28 March 2020),<sup>10</sup> I raised as an urgent matter the need to resolve the roles of Victoria Police and other agencies that needed to administer different parts of the direction and detention notice from an enforcement perspective, with those agencies, once it had been finalised (which it had not been at that stage) (from 15:00 minutes).
53. As to the contact I did have with Victoria Police: I would have connected with Victoria Police representatives at the 3.00 pm walk through (end to end dry run) on Saturday, 28 March 2020. There would have been general discussions about the chain of custody, though at that stage the directions had not yet been finalised.
54. During the Program, I was involved in communications with Victoria Police in relation to data issues, and how we could better ensure that flight manifests matched hotel data, the provision of information to support evacuation planning, and otherwise I recall conducting a site visit to plan for the first exit of people from quarantine, and had discussions there with Jamie Templeton of Victoria Police in relation to exit planning.

**Q18. Did the views of Victoria Police play any role in the way in which DJPR set about establishing contact with private security companies to provide security services?**

55. Yes. The views expressed by Victoria Police in the First SCC Meeting confirmed that private security would be required and shaped DJPR's assumptions regarding the level of support that would be needed.

**Q19. Did you yourself have a view on the role Victoria Police should play in the hotel quarantine program? If so, what was that view?**

56. Yes. It was my view that Victoria Police should be present onsite at hotels 24/7, and that perimeter or proximate patrol was not adequate. I considered that the work of security should be under the direction of authorised officers, with Victoria Police there to oversee and manage escalation. I held this view for two reasons. First, it was a complex operation

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<sup>9</sup> DJP.007.001.0001.

<sup>10</sup> DJP.007.001.0002.

and not something that we had delivered before. By that I mean it was such a significant undertaking to detain people in this way, and it was new to everybody, which meant that the risks were unclear. Second, that was the advice that I had received from the people in my team who were doing the thinking around enforcement, informed initially by DHHS and ultimately by the form of the detention direction once finalised (most particularly, Cameron Nolan, Executive Director – Priority Projects Unit).<sup>11</sup>

57. At the time the Program commenced, I assumed that Victoria Police would have an ongoing onsite presence at each hotel, 24/7. Again, this was just my working assumption. When I became aware that Victoria Police was not remaining onsite at hotels, I escalated my concerns as an urgent matter for resolution, but was informed that it was sufficient for Victoria Police to be called through 000. I continued to press the issue, but gained no traction.<sup>12</sup>

## ROLES OF EMV AND DHHS

**Q20. When did you first learn that the Emergency Management Commissioner would coordinate the Hotel Quarantine Program and that DHHS would be the control agency for the response?**

58. I learnt that DHHS would be the control agency on 28 March 2020.
59. On 27 March 2020 I understood that DJPR was leading the organisation of the Program. On 28 March 2020 I started to receive feedback that this was not the case. In discussion with the Secretary, DJPR, I spoke to the Emergency Management Commissioner on 28 March 2020 to seek clarity about which agency would be leading the operation. I asked him to direct that DHHS was leading the work, because we felt that we had taken on the role of lead and, if that was not the case, we wanted to be given a clear direction that DHHS was the control agency. In the Third SCC Meeting, the Emergency Management Commissioner made clear that DHHS was the control agency.
60. It is difficult for me to pinpoint when I first learned that the Emergency Management Commissioner would be coordinating the Program. He chaired the First SCC Meeting and

<sup>11</sup> DJP.101.002.7985.

<sup>12</sup> DJP.102.007.6151, DJP.102.008.6981, DJP.102.009.2694, DJP.102.009.1588, DJP.102.009.1880.

he was my point of contact and ultimate escalation around roles and responsibilities, so I perceived him to be making decisions about who was playing what function, but I am not sure at what point that crystallised in my mind.

**Q21. What, if any, discussions did you have with the Emergency Management Commissioner and/or EMV about transitioning to these new arrangements?**

61. See my response to question 20 above.

**Q22. What reasons were you given, if any, for the Emergency Management Commissioner coordinating the response?**

62. I do not recall being given any reasons. I just accepted it as fact.

**Q23. What, if any, discussions did you have with the Department of Health and Human Services (DHHS) about their role as control agency? When did those discussions occur?**

63. I discussed DHHS's role as control agency with Jason Helps, State Controller, Health. I spoke with Mr Helps in the morning of Sunday 29 March 2020, by phone. Mr Helps emphasised that DHHS was the control agency and needed to be in charge as it was accountable for the Program. We agreed that DJPR would transition various roles and functions over to DHHS. Later on 29 March 2020, Mr Helps sent me an email in the following terms:<sup>13</sup>

*Dear Claire,*

*As you are aware The Department of Health and Human Services (DHHS) is the Control Agency for the COVID-19 Pandemic, and at this time I am the State Controller – Health appointed by the Control Agency under the Emergency Management Act. Prof Brett Sutton is the Chief Health Officer leading the Public Health response under the Public Health and Wellbeing Act.*

*As the Control Agency, DHHS has overall responsibility for all activities undertaken in response to this emergency. The response to the direction for all passengers returning to Victoria after 11.59 p.m. 28/03/20 requiring to be quarantined in approved accommodation is being led by Dep State Controller Chris Eagle as "Operation Soteria".*

*As discussed today I am extremely grateful to the support DJPR have provided to date, your team have demonstrated flexibility, good planning and expertise which has*

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<sup>13</sup> DJP.101.004.4571 (which also includes my response).

*contributed to making the first day as successful as it could be. I also look forward to your team continuing to support Operation Soteria.*

*It is important however that we clarify some roles and responsibilities and work on a transition plan over the next day or so. Chris Eagle will work with you on this. Many of the roles DJPR provided in the planning, and operationally today will need to transition to the Deputy State Controller and DHHS as the Control Agency. I would like to clarify that, at a minimum, I would request DJPR continue to provide the valuable work in procurement of hotels and the services required to support people under the direction to detain, I don't underestimate the complexity of this task in the current environment. It will be vital that DHHS make the operational decisions in regards to which hotels we utilise and when, along with other decisions which require a risk assessment by the Chief Health Officer or delegated Authorised Officer.*

*It was a pleasure to discuss this with you today and I sense the value of working closely on this for both agencies.*

*Please contact me again if I can assist or if a resolution cannot be reached during the handover process.*

*Regards*

*Jason Helps*

*Deputy Director Emergency Operations and Capability | Emergency Management Branch*

64. I responded to Mr Helps' email as follows:

*Jason, Chris*

*Many thanks to you both for our discussions today. We're grateful for the clarity on your expectations regarding roles and responsibilities.*

*As agreed, we will continue with everything as is planned for the next 24 hours. This includes decisions on the placement of arrivals in hotels, engaging contractors to activate our next site (Crowne Plaza) and decisions about the daily and packages of support provided to people in quarantine.*

*We will escalate any issue to you that relates to the direction, for example the need to determine rules regarding recreation, and provide you with an update later tonight on arrangements for tomorrow.*

*Tomorrow we will commence planning with you and the team to clarify roles and responsibilities in the first instance, and then an orderly transition to ongoing arrangements.*

*Many thanks*

*Claire*

65. Following my communications with Mr Helps I understood that DJPR had retained its contracting function, but that decision making functions had otherwise transferred to



DHHS; with DJPR to act absolutely as a support agency – there to do whatever we could to make DHHS's role as a control agency easier, but acting under its direction.

66. It took a few days to achieve full clarity as to what that meant in practice. For example, we thought that in our support contracting function we were to stand up hotels and bring stock online as needed to meet demand. However, DHHS soon clarified that this was not the case. DHHS said that it needed to be in charge of all decisions as to which hotels would be stood up and the timing for that, so that they could manage staffing, authorised officer resources, risks and the like. These sorts of misunderstandings were cleared up in the first few days of the Program.

**Q24. What did you understand DJPR's role to be after the coordination and control arrangements changed?**

67. After the arrangements changed, I absolutely understood that DJPR was required to act as a support agency to DHHS, working under its direction as the control agency.
68. In functional terms I understood that DJPR was responsible for contracting hotels and ancillary services, working to meet the day to day needs of people in quarantine, prepositioning food and groceries at hotels, providing a call centre function (which was essentially an extension of what might ordinarily happen through a concierge, but which provided a clear and accountable point of contact for all people in quarantine to have their needs met), and supporting logistical on ground delivery of policies and procedures set by DHHS, be those around deliveries, Uber Eats, exercise, smoking or other matters. It was DJPR's role to assist those things happening on the ground.

**Q25. What reasons were you given, if any, for DHHS to assume control of Hotel Quarantine Program?**

69. I am unable to recall whether I was given reasons for DHHS assuming control of the Program, beyond what was set out by Mr Helps in his email above. Having said that, the Program was a response to a health emergency, the associated powers were the powers of the Chief Health Officer, and the relevant expertise – at least in relation to health, welfare and infection control – sat with DHHS.

**Q26. When did DHHS assume control of the Hotel Quarantine Program?**

70. DHHS assumed control of the Program before implementation commenced, and that was articulated at the Third SCC Meeting.

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**Q27. In your view, how effective was the transition of responsibilities from DJPR to DHHS and the Emergency Management Commissioner?**

71. I think that everyone did their best to transition responsibilities in an orderly way. Once we had clarity that DHHS was the control agency, it was our intention to support DHHS in the performance of its role.<sup>14</sup>
72. It was complicated to transition while we were in the process of implementing aspects of the Program, but we tried to do so as quickly and seamlessly as possible. As I say above, there was some residual uncertainty on our part as to our role in provisioning hotels, but that was quickly clarified and addressed. We handed over the hotel contracts, the emergency evacuation plans, everything that DHHS requested to exercise its control over the operation.
73. I believe that the transition was effective in relation to the functions that we transferred to DHHS, but with the benefit of hindsight and with more time, we might have critically examined some of the things that remained with us to deliver – particularly those functions that would have benefited from (a) more information and control than we held in our role as a support agency; and (b) DHHS's expertise and knowledge in health related matters.
74. Specifically, DJPR was responsible for provisioning specialist cleaning services for COVID-positive cleans. DJPR relied on DHHS's directions in this regard, not only given its role as control agency, but also because of its role and expertise in infection control. DJPR had trouble extracting information from DHHS in a timely way – even more so information that was specifically tailored to the quarantine environment. Had DHHS been responsible for contracting and delivering cleaning services, this might have occurred more quickly.
75. Similarly with security, DJPR had trouble successfully getting DHHS to take on its broader control function in relation to security, which may not have been as problematic had DHHS held the contracts.<sup>15</sup>
76. I provide more detail about these issues later in my statement.

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<sup>14</sup> See for example DJP.102.008.5696.

<sup>15</sup> See for example DJP.102.001.3600 attaching DJP.102.001.3602, DJP.102.005.9834. See also, by way of example, [101] and [112] of my statement below and the documents footnoted at [112].

**Q28. What led you to ask the State Controller - Health on 4 April 2020, to convene a meeting with DHHS about clarifying DHHS and DJPR's roles?**

77. The process of activating the Parkroyal Melbourne Airport Hotel was the catalyst for completing the transfer of responsibility for hotel site selection and activation to DHHS as the control agency.
78. The State Controller Health had also indicated that DHHS had other immediate needs that it expected would be met through the broader COVID-19 Emergency Accommodation program, in which DJPR was responsible for ensuring appropriate hotel supply.<sup>16</sup>
79. As I say above, although I understood that DJPR was a support agency acting under the direction of DHHS, I still initially thought that, as part of its contract provisioning role, DJPR was responsible for standing up sites (and security, and cleaning services), albeit that onsite implementation was always to occur on the direction of DHHS.
80. Consistent with this view, on 30 March 2020, for example, Mr Hogan, DHHS, asked me to advise *"ASAP of tomorrow hotel allocations and let me know when we can expect these daily."*<sup>17</sup>
81. Following that, there were some issues raised by DHHS about the standing up of the Parkroyal Melbourne Airport Hotel, as can be seen from my email of 3 April 2020.<sup>18</sup>
82. Ultimately DHHS approved the use of the Parkroyal Melbourne Airport Hotel, but it was also made clear to me at that point, that DJPR would retain no decision making powers in relation to hotels – including which hotels would be stood up and when. This was part of the clarification process that I describe above – understanding, by experience, the full extent of DHHS's control over Program inputs.
83. It was in light of these circumstances that, on 4 April 2020, I sought that the State Control Centre convene a meeting, for the reasons set out in my email that day (which is referenced at footnote 16).

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<sup>16</sup> DJP.102.009.3461.

<sup>17</sup> DJP.102.001.0905.

<sup>18</sup> DJP.102.008.9022; DJP.102.009.4924.

**Q29. How were the roles of DHHS and DJPR clarified at that meeting on 6 April 2020?**

84. On 5 April 2020, Ms Williams circulated a draft agenda for the meeting on 6 April 2020.<sup>19</sup>
85. The following day, on 6 April 2020, DHHS circulated further documents to be discussed in the meeting that afternoon.<sup>20</sup>
86. The documents provided that afternoon were inconsistent with the roles that had been determined, including by placing DJPR in the same level in the organisational hierarchy as DHHS, which clearly was not the case.
87. While I do not have any specific recollection of the meeting on 6 April 2020, I have since reviewed an email I received from DHHS attaching minutes of that meeting.<sup>21</sup>
88. I do however recall that from this time forward we set a clear pattern of all site selection and allocation of flights to hotels being at the direction of the Deputy State Controller.<sup>22</sup>

**COMMUNICATION WITH DHHS****Q30. During your time as Department Lead by what means did you receive information and updates from DHHS regarding –****(a) the number of positive cases amongst those in hotel quarantine;**

89. The first I heard of a COVID-positive case among persons in quarantine was when the first confirmed case was mentioned on the daily interagency call (State Control Centre) at the end of March.
90. This was of great concern to me, for the reasons I set out in my email to Mr Eagle dated 31 March 2020.<sup>23</sup>
91. My email also captures DHHS's commitment to work on protocols to provide greater transparency that had "proper regard for all staff (DJPR, DPC and contractors) on the ground." Mr Eagle responded to my email on 31 March 2020 setting out, among other things, the expectation that staff on site should operate under the assumption that every

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<sup>19</sup> DJP.102.007.8561.

<sup>20</sup> DJP.102.008.9186, DJP.102.008.9188.

<sup>21</sup> DJP.102.007.8575; attaching DJP.102.007.8577; DJP.102.007.8580.

<sup>22</sup> See for example DJP.102.009.4553.

<sup>23</sup> DJP.101.007.1921.

person in quarantine may be infected and, in this way, confirmed cases will be less of an issue.<sup>24</sup>

92. In light of Mr Eagle's response, it was agreed that authorised officers would brief staff and contractors at the start of each shift each day "on the appropriate use of PPE and other safe working practices."<sup>25</sup>
93. To the best of my knowledge the next formal communication I received about confirmed cases was on 10 or 11 April 2020, concerning people quarantined at Sheraton Four Points. After that time, there was a pattern whereby Mr Hogan and Ms Hardingham emailed DJPR, along with the Emergency Management Commissioner and others, to advise of the confirmed number of COVID-positive cases on each site.

**(b) the work being done by authorised officers;**

94. I do not recall receiving any regular or specific communication from DHHS about the work being done by authorised officers. I did have some insight into their role gleaned from the detention directions and the process dry run, and the lead up to that, on 28 March 2020. Otherwise, there was some discussion about their role as relevant to the implementation of particular policies and procedures, and I was aware of that through my team. I also became aware from discussions at the State Control Centre about staffing levels at hotels, that authorised officers were a key resource constraint.

**(c) recommended practice for infection control and personal protective equipment;**

95. I am aware that DJPR sought both the provision of PPE and relevant guidance from DHHS at various stages of the Program, including in the first days.<sup>26</sup>
96. In the first week or two there were a few interactions between DJPR and DHHS, with DJPR coming from the position that all staff should wear PPE and DHHS seeking to limit

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<sup>24</sup> DJP.102.007.0058.

<sup>25</sup> DJP.102.001.9680.

<sup>26</sup> DJP.113.009.6454; DJP.102.002.5011.

and conserve PPE usage. These different views are reflected in the minutes of the interagency meeting (State Control Centre) of 6 April 2020.<sup>27</sup>

97. On 1 April 2020 I came to receive an email sent by a DHHS team leader on site at one of the hotels which noted that *“we need to have a clear policy on staff use of PPE”* and that *“all staff need to ensure they are clear on how to manage their own hygiene and safety needs with instructions need [sic] to be printed and available on donning and doffing PPE safely”*. I forwarded the email to Mr Eagle on 1 April 2020.<sup>28</sup> This email is generally reflective of the lack of clear or consistent advice concerning the appropriate use of PPE.
98. The way that we, at DJPR, approached PPE was to work from the assumption that all staff in the environment – whether at the airport or at the hotel – should wear PPE at all times. We requested that there be the provision of PPE for both DJPR and contracted staff; whoever needed it.
99. DHHS counselled us away from that approach, saying that PPE needed to be conserved and that it was inappropriate for staff to use PPE unless they were unable to avoid being 1.5 metres away from a quarantined person. For example, on 6 April 2020 I received an email from DHHS regarding PPE usage for hotel check-in staff. In that email I was informed that:
- “Our expectation is that non-medical staff supporting the check in process should not be in a position where such PPE measures are required – personal hygiene (including hand hygiene and cough etiquette), cleaning, physical distancing measures, surgical masks and gloves should be sufficient. Staff should not be closer than 1.5m to returning travellers, and the space should be set up to allow and promote this.”*
- That email also contained a link to generic information on the DHHS website regarding physical distancing and other transmission reduction measures.<sup>29</sup>
100. However, we were of the view that our staff should be safe – safer than not.

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<sup>27</sup> DJP.102.007.0062 (see page 5, DJP.102.007.0066).

<sup>28</sup> DJP.102.008.7175.

<sup>29</sup> DJP.102.009.2146.

101. DHHS did provide briefings to staff on key matters such as safety, infection control and PPE, but I understand that was on an ad hoc basis and not in the way that we had requested or anticipated, or indeed had agreed, that this would occur.
102. In the main, DHHS would address issues reactively, when raised by DJPR or others. We were entirely reliant on DHHS to set the policies and practices around infection control and PPE. Any time an issue was raised with us about these matters, we would seek DHHS's advice about what the expectations were, seeking clear instructions and advice.
103. On numerous occasions DJPR sought advice about different components of infection control – particularly around cleaning. The pattern was that we would seek advice, DHHS would provide some advice and we would then seek to clarify the advice received.
104. From time to time, DHHS would raise specific issues. For example, I recall DHHS raising an issue at Sheraton Four Points around a COVID-positive person having used a hotel lift, and that there was a need to clean the environment as a result. I also received feedback from hotel sites that DHHS staff had asked questions about protocols for cleaning the lobbies, for example. I address this in more detail below.

**(d) entry and exit arrangements, including travel plans, for those entering and leaving hotel quarantine?**

105. For entry arrangements, DJPR was the conduit between Melbourne Airport and other stakeholders for the dissemination of flight information, including the number of people that were expected to arrive each day. DJPR would circulate flight details, the numbers of passengers that were expected to arrive, and DHHS would decide, on information provided to it by DJPR, what hotels would be stood up and which passengers would go where. While initially DJPR allocated flights to hotels, from about 4 April 2020 this was transferred to DHHS (I refer to this at paragraphs 77 and 78 above).
106. I was informed by onsite staff that the movement of passengers into hotel quarantine was directed by the authorised officer. There was some discussion on inter-agency calls, and separately between agency commanders around the design of the entry process and the information that DHHS needed to gather from a health perspective.



107. DHHS led the planning for exits. DJPR supported that process, particularly around travel plans, be that local travel home by taxi, for example, or onward travel to another destination. I am aware that initially, DJPR staff used GSS Call Centre data to assist authorised officers in planning the exit process. I was present when the first quarantined passengers were exited to support my staff who held concerns about how the exit process would operate.
108. DJPR did not support the transport of COVID confirmed cases – we referred those to DHHS to address.

**Q31. Did you experience any difficulty in the timely receipt of information that you needed for the performance of your role? If so,**

**(a) what was that difficulty;**

109. Three issues stand out as examples of information that we sought as critical, but which was difficult to access.
110. The first concerns the timely receipt of information about confirmed COVID-positive cases and how they were managed. As detailed above, DJPR was not directly informed about the first COVID-positive case. Following that, I was informed by my onsite staff that there was a lack of clarity around the management of cases – such as, who was going to be moved where and how, who was being taken to hospital and brought back. I was also told by DJPR on-site staff that often there was no communication before the fact around these key movements.
111. Secondly, when we sought advice on particular matters such as the use of PPE, cleaning protocols<sup>30</sup> and the like, we were often provided with generic information designed for healthcare or non-healthcare settings. From my perspective that was not advice that was useful in terms of thinking about the quarantine environment. Instead we were seeking approaches and policies that were tailored to the Program setting.

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<sup>30</sup> DJP.102.009.3986; DJP.102.009.1649; DJP.113.008.4742, DJP.113.008.4743; DJP.102.008.3855; DJP.102.007.9338; DJP.102.009.8943; DJP.102.006.9545, DJP.102.006.9548.

112. Third were our requests for daily briefings for safety and situational awareness.<sup>31</sup> We wanted much more information to be communicated about what was happening within each site, each day, so that all staff would be empowered to work collaboratively and safely within that site. That was something that we wanted to happen as a routine part of operations, which we requested, which was agreed (as I describe above) and which, I am informed, was never rolled out in line with our expectations.

**(b) what impact if any did it have on the performance of your role:**

113. The lack of information about COVID confirmed cases meant that it was difficult to anticipate risk and to work constructively as a support agency, when we did not really understand the service model that DHHS would adopt, and for example the ways in which DHHS would move and manage COVID confirmed cases. We often felt that we were a few steps behind in not only anticipating risks but understanding what the risk was, and then being able to work through that with DHHS. For example, if COVID-positive people were to be moved in a particular way, and if there was an expectation that DJPR was to procure cleaning in a particular way, then DJPR needed to be able to understand movements. For example, if the person was taken to a particular room, and followed a particular path, or used a particular elevator – that would create risks that DJPR needed to know about proactively. Instead, DHHS would direct us reactively. For example, an escalation would be received from the hotel that a COVID-positive person had been taken on an elevator and DJPR had not taken steps to clean the elevator afterwards. Yet the first that DJPR staff became aware of that fact was through the escalation, after it had occurred and in a way that did not support a quick resolution.
114. In terms of the daily briefings, we wanted to make sure that DJPR staff and contracted staff were able to work in a safe and constructive way. We felt that to do this they needed a greater level of information that was site specific, and everyday support and reinforcement to think about what they needed to do to keep themselves safe – for example, instructions as to whether they were using their PPE correctly.

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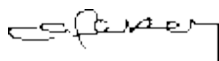
<sup>31</sup>DJP.102.008.5193, DJP.102.001.9680 (entire email chain), DJP.102.007.2382 (p 3), DJP.102.007.0062 (p 5).

115. As to the generic information DHHS provided, it was beyond the capabilities of DJPR staff to decide how to properly adapt generic information to a quarantine context in order to adequately contribute to infection control. By not providing tailored advice DHHS was slowing down DJPR's ability to do what DHHS required, and asked us to hypothesize more than was appropriate about how to apply procedures that were not fit for purpose.

**(c) what action was taken to resolve that difficulty?**

116. Escalation and more of it.

sign here ▶



print name

Claire Alana Febey

date

25 August 2020

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