

TRANSCRIPT OF PROCEEDINGS

INQUIRY INTO THE COVID-19 HOTEL QUARANTINE PROGRAM

BOARD: THE HONOURABLE JENNIFER COATE AO

DAY 6

10.01 AM, FRIDAY, 21 AUGUST 2020

MELBOURNE, VICTORIA

**MR A. NEAL QC appears with MS R. ELLYARD, MR B. IHLE,
MR S. BRNOVIC and MS J. MOIR as Counsel Assisting the Board of Inquiry**

MS K. O’GORMAN appears for Crown Melbourne Ltd

**MS C. HARRIS QC appears with MS P. KNOWLES and MR M. McLAY for
the Department of Health and Human Services**

**MS J. CONDON QC appears with MS R. PRESTON and MR R. CHAILE for
the Department of Jobs, Precincts and Regions**

**DR K. HANSCOMBE QC appears with MS H. TIPLADY for the Department
of Justice and Community Safety**

**MR R. ATTIWILL QC appears with MS C. MINTZ for the Department of
Premier and Cabinet**

MR S. PALMER appears with MR L. MOLESWORTH for Melbourne Hotel Group Pty Ltd trading as Holiday Inn Melbourne Airport

MS A. ROBERTSON appears with MS E. GOLSHTEIN for MSS Security Pty Ltd

MR A. WOODS appears for Rydges Hotels Ltd

MR A. MOSES SC appears with MS J. ALDERSON for Unified Security Group (Australia) Pty Ltd

MR R. CRAIG SC appears with MR D. OLDFIELD for Wilson Security Pty Ltd

MS D. SIEMENSMA appears for Your Nursing Agency (Victoria) Pty Ltd

CHAIR: Good morning, Mr Ihle.

MR IHLE: Good morning, Madam Chair.

5 CHAIR: Are you ready to proceed, Mr Ihle?

MR IHLE: We are, Madam Chair. I have been given some information which might affect the running of the order of things this morning. There was to be, as the Board was advised late yesterday, an application by the Department of Health and Human
10 Services in relation to a range of orders, including non-publication orders. I have just been advised that may not in fact be pursued. Perhaps it is convenient to call upon counsel for the Department to explain the situation.

15 CHAIR: Good morning, Ms Harris.

MS HARRIS QC: If the Board pleases, the Department decided not to make that application as it really wishes to draw no further attention to the matter. The reporting last night largely seemed to address the comments that the Board made at the end of the hearing. There has been one article this morning that perhaps hasn't
20 taken into account those comments, but we still will not press that application further this afternoon.

CHAIR: I'm pleased to hear that, Ms Harris.

25 MS HARRIS QC: If the Board pleases.

CHAIR: Thank you.

MR IHLE: That seems to resolve that issue. Can I indicate that for unrelated
30 reasons there has been a delay in the publication of the transcript of yesterday's proceedings in any event and the video from yesterday has not been uploaded either. In light of that indication by Ms Harris that there is no further application being pursued, once those unrelated reasons are resolved, there will be no need to withhold publishing both the full transcript of yesterday's proceedings and the video on the
35 Inquiry's website.

CHAIR: Thanks, Mr Ihle. Just to confirm any concerns that any party may have with respect to either the transcript or the audio recording, I did make enquiries to confirm that the audio recording is complete and there was no interruption to the
40 audio recording, so it will be complete, as will be the transcript, once properly revised. So that has been part of the delay with respect to the transcript.

As soon as the transcript is available, it too will in the normal course of events now be published in its complete form.

45 MR IHLE: Thank you, Madam Chair. Madam Chair, I have received notification that apparently senior counsel for Wilson is in the virtual waiting room. Perhaps he

can be brought in.

MR CRAIG SC: I have been brought in, thank you, Mr Ihle.

5 CHAIR: Good morning, Mr Craig.

MR CRAIG SC: Good morning, Madam Chair.

10 MR IHLE: There are witnesses scheduled for evidence this morning, three groups of witnesses. The first are two witnesses who will be giving evidence together, that is, Mrs Sue and Mr Ron Erasmus. Then, all things going to plan, at 11 o'clock we intend to call the witness Liliana Ratcliff, who was one of the passengers detained in hotel quarantine. And then at midday or thereabouts, Luke Ashford, who was one of the authorised officers. There are a number of parties that have been in contact in
15 relation to questions that they would propose to ask and I will deal with them at the appropriate time.

CHAIR: Good morning, Mr and Mrs Erasmus. Are you able to see and hear me? I think you have got your microphone on mute.

20

MRS ERASMUS: Good morning.

MR ERASMUS: Good morning.

25 CHAIR: I'm sure you have had explained to you that for the purposes of giving evidence, each of you will be asked to take the oath.

MR ERASMUS: Yes.

30 CHAIR: For that purpose I'll hand you over to my associate. Thank you.

SUE ERASMUS, SWORN

35

RON ERASMUS, SWORN

EXAMINATION BY MR IHLE

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CHAIR: Thank you. I will now hand you over to Mr Ihle who will take you through some questions. Thanks, Mr Ihle.

45 MR IHLE: Thanks, Madam Chair. Mr and Mrs Erasmus, you have made a joint statement to the Inquiry, dated 18 August 2020; is that right?

MRS ERASMUS: Yes.

MR ERASMUS: Yes.

5 MR IHLE: That statement is nine pages long and has 48 paragraphs?

MRS ERASMUS: Yes.

10 MR IHLE: Starting with you, Mrs Erasmus, is that statement truthful as far as you are concerned?

MRS ERASMUS: Yes, it is.

15 MR IHLE: And it is accurate?

MRS ERASMUS: Yes.

MR IHLE: Mr Erasmus, is it truthful as far as you are concerned?

20 MR ERASMUS: Yes, it is.

MR IHLE: And is it accurate?

25 MR ERASMUS: Yes, it is.

MR IHLE: I tender the statement, Madam Chair.

CHAIR: Exhibit 19.

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EXHIBIT #019 – JOINT STATEMENT OF SUE AND RON ERASMUS

35 MR IHLE: As the Board pleases. These proceedings are not only being livestreamed but you will appreciate they are also being transcribed, for the sake of ease for the transcriber, I might direct questions to each of you in turn, so we are not talking over one another in this difficult environment. To you first, Mr Erasmus, just to confirm some personal details. First of all, as far as your arrival into quarantine in Australia is concerned, is it right that you arrived into Melbourne on 1 May this

40 year?

MR ERASMUS: Yes, that's correct, yes.

45 MR IHLE: And you and your family --- and by your family I mean yourself and Mrs Erasmus along with your two children, aged 9 and 14 --- were quarantined for two weeks at the Stamford Plaza Hotel in Melbourne?

MR ERASMUS: That's correct, yes.

MR IHLE: And you departed quarantine on 14 May this year?

5 MR ERASMUS: Yes, correct.

MR IHLE: I want to go to the information you had about what the quarantine system would look like prior to your arrival into Melbourne. At paragraph 18 of your statement you start by saying:

10

Nothing was explained to us when we arrived in Quarantine.

Can you talk us through, Mr Erasmus, your arrival into quarantine?

15 MR ERASMUS: I'll start, if it's okay with you, counsel, I'll start with arriving at the airport in Melbourne.

MR IHLE: Yes.

20 MR ERASMUS: I guess when we arrived there, that was my first experience of the process. I do believe that Sue had some prior knowledge, whether it's through informal social channels or whether it's some information that was online, I'm not sure, but I wasn't privy to that. But what I was privy to was the experience when I arrived at Melbourne Airport was there was obviously the normal health checks that
25 we went through, that was part of the new life with COVID, and I guess my first experience was when we came to a little table where a lady was waiting for us and a very friendly individual said to us that, "Look, what are your requirements for quarantine?" And I was slightly surprised and I said, "Well, you know, what do you mean, what's my requirements? She said, "Look, do you have special requests?"
30 I basically said to her, "Well, we would love a balcony, having the two kids, something with a balcony so we can get some fresh air, so to speak." She said, "That's fine, we will put it into your request." So that was my experience there.

We then boarded a bus to the hotel. At some point in that process we became aware
35 which hotel it was. We weren't told as we arrived, we were told once we were on the bus, or at least that's when I became aware of it. And then when we got to the hotel, it was really a check-in process, checking in our luggage, of course in as safe a way as they thought possible at the time, and getting us to our rooms. There wasn't much explained about what to expect and what not to expect. You know, we were escorted
40 up to the room and stuck into the room.

And then had a few documents to read, which was quite informative. But if you were to state, you know, what was I told before, I don't think there was a lot of information that was --- in terms of, you know, just on-boarding you to the
45 experience, there wasn't very much from my point of view.

MR IHLE: Mrs Erasmus, do you want to add to that? Mr Erasmus just said that you

may have had a bit more information than he did. Is that right and if so where did you get that information?

5 MRS ERASMUS: I remember when we were standing in the queue before the table Ron mentioned, we were given a single sheet of paper which advised us which hotel we were going to. It was a standard paper and then there was writing, the writing was the hotel we were going to.

10 In terms of what to expect in quarantine, I had been on social media and had done my own investigating, so I had a little bit of an idea that most of the hotels were in the Melbourne CBD. In terms of the facilities that would be provided and just general, washing, you know, just general day-to-day things, we weren't told, we weren't told whether we would have WiFi or anything like that, we just took it as it came.

15 MR IHLE: Mr Erasmus, you indicated that you were asked about preferences at the airport and you had indicated that you preferred a balcony for some fresh air, especially because you had the children. Was that something that was actually facilitated?

20 MR ERASMUS: No, not at all. In fact, I'm one of those people who get very angry when I get hungry. We were left on the bus for a few hours and when we got off the bus at the hotel, that was the first thing I pitched, was the fact that the individual at the airport told us that we could get a room with a balcony and then I was told, and quite rightly so, that there's no balconies in this hotel. So I don't think there was any consideration for what we asked versus what we got. It was a done deal, so to speak. So I couldn't --- I couldn't see the purpose of that. So the answer is no, we didn't get the balcony.

30 MR IHLE: I understand that prior to coming back to Australia, you, Mr Erasmus, had been living in India for a period of time; is that correct?

MR ERASMUS: Yes.

35 MR IHLE: Mrs Erasmus, you had in March travelled to India with your two children to be with Mr Erasmus there?

MRS ERASMUS: Yes.

40 MR IHLE: Upon arrival in India or shortly after your arrival in India you found out that Mr Erasmus's father was unwell and you made a speedy decision to make your way to South Africa?

MRS ERASMUS: Yes.

45 MR IHLE: Whilst you were in South Africa, quite regrettably, Mr Erasmus' father died?

MRS ERASMUS: Yes.

5 MR IHLE: And that was something that happened relatively suddenly, as I understand?

MR ERASMUS: Yes.

10 MR IHLE: So although you intended to go to South Africa for a period of six or seven days, you ended up there much longer, didn't you?

MRS ERASMUS: Yes.

15 MR IHLE: Part of reason for that was because of the COVID lockdown that was happening in South Africa and the circumstances in India with respect to COVID?

MRS ERASMUS: Yes.

20 MR IHLE: If I understand correctly from your statement, the lockdown that was imposed in South Africa was quite severe?

MRS ERASMUS: Yes.

25 MR IHLE: And you were required to remain in a small one-bedroom apartment for a period of about six weeks before even coming back to Australia?

MRS ERASMUS: Yes.

30 MR IHLE: You were unable to be with family during that time?

MRS ERASMUS: Yes.

35 MR IHLE: I understand also from your statement that for you, Mr Erasmus --- and if you need a break, just let us know --- that was a particularly difficult time?

40 MR ERASMUS: Yes, it was. I mean, obviously losing my dad wasn't easy. And, you know, I don't --- I didn't get to see him much. And I guess the aftermath of that was also that even though I have three sisters back in Africa, I have got mum and my dad's extended family, we couldn't see them and it was quite ironic, you were literally 8km, 10km from them, but you wouldn't dare, or you probably could dare if you were brave enough but I wouldn't, just hop in the car and go see your relatives and just spend time with them. So it was a bit of a strange scenario. So yes, it was relatively tough, I'll be honest.

45 MR IHLE: And the reason I'm asking these questions is I understand that you, with the assistance of the Department of Foreign Affairs and Trade, were able to make your way back to Australia on a mercy flight eventually?

MR ERASMUS: That's correct, yes.

5 MR IHLE: Your engagement with DFAT, from your statement, it says that you have passed on a lot of the information about the situation you were dealing with, with your father, the fact you had been in lockdown, those types of things; is that correct?

10 MR ERASMUS: That's correct, yes, we shared quite a lot of details about the situation with dad passing, you know, that we have a daughter with some medical conditions and they were very positive, listening to us, phoned us from time to time, checked in on us, good continuity in the discussions. I was quite impressed with the support.

15 MR IHLE: They indicated to you, did they not, that the information you had given to them about the difficult situation you were living through in South Africa would be sent in advance of you to Australia?

MR ERASMUS: That was my understanding at the time, yes.

20 MR IHLE: Now, when you got into the Hotel Quarantine Program, did they give you the impression that they knew about that information that had been conveyed to DFAT?

25 MR ERASMUS: Not at all.

MR IHLE: And so did you have to go through the process of letting those in charge of the Hotel Quarantine Program know about the situation that you were in emotionally but also what you had just been through in South Africa?

30 MR ERASMUS: So, counsel, I'll try and answer that and maybe Sue will have to come in because she might have done things behind the scenes that I'm not aware of at the time.

35 MR IHLE: Certainly.

40 MR ERASMUS: So I certainly had to. We had, from the onset, from morning 1 in quarantine, we got these calls from a mental wellness nurse, as it was titled, and sometimes a second individual too. And I have explained this to people, that you know, during quarantine my dad died, at least 14 times again, having to relay the same story again. It was probably --- some of our frustration was in the fact that I had to keep relaying the same story right from scratch to different people every other day. So it was clear that there was no handover from DFAT, you know. I believed DFAT did what they could do at the time and they did a good job from the South African perspective in getting us back home. But yes, there wasn't much in terms of --- that I could evidence that whoever is running the quarantine system was aware of my situation.

45

MR IHLE: Then when you relayed that situation --

CHAIR: Mr Ihle, I'm sorry to interrupt you, I have just received a message that
5 I will just make an enquiry now of Mr Khan as to whether or not it is something that
can be quickly fixed, so we can just wait a moment or two.

MR KHAN: Yes, it will not be more than a moment.

10 CHAIR: All right. My apologies, Mr and Mrs Erasmus. If you mind just perhaps
sitting there for a moment whilst this cyberworld that we are operating in corrects
itself. I do apologise.

MR ERASMUS: It could be all our fans from Africa crashing the system!

15

CHAIR: I see.

I'll make another enquiry shortly, Mr Ihle, of where we are up to. Perhaps if we put
those questions again to Mr and Mrs Erasmus, and get them to answer again with
20 respect to the interaction with DFAT. I think that might have been the part that was
lost. So we will go back to that.

Mr Khan, are we likely to be too much longer?

25 MR KHAN: I think probably best if you take two minutes.

CHAIR: All right.

30 Mr and Mrs Erasmus, I'm happy for you to put yourselves on mute, if you like, so
you can be a little more relaxed. If you mute yourselves, I'll give you an indication
when I'm being told we are back on track.

MR ERASMUS: Thank you, Madam Chair.

35 MR KHAN: Apologies about the delay. We are good to proceed now.

CHAIR: Thank you.

MR IHLE: Thank you, Madam Chair.

40

Mr Erasmus, I'm sorry, we have to go over this again to make sure it's picked up.
Just going back to where I think we lost the connection, I asked you the question:
your engagement with DFAT, from your statement it says that you passed on a lot of
information about the situation you were dealing with your father, the fact that you
45 had been in lockdown, those types of things; is that correct?

MR ERASMUS: Yes.

MR IHLE: Can you provide your answer to that again?

5 MR ERASMUS: Yes, that's correct. I elaborated to the fact that I think they were
very helpful, DFAT, that we could tell them the situation of losing my dad suddenly
and we tried to get back home and also my youngest daughter having a medical
condition, that we were concerned about being in lockdown in South Africa. So, yes,
DFAT listened to us, followed up quite regularly, on a regular basis from the Pretoria
10 embassy or consulate and they were in regular touch with us and letting us know
when a flight is available. During that time a lot of flights were cancelled and there
were possibilities. But they were very good in keeping us informed and staying
abreast of our situation.

15 MR IHLE: DFAT indicated that they would send that information to Australia in
advance of you. Can you just explain the impression you got as to whether those in
the Hotel Quarantine Program had any of that information?

20 MR ERASMUS: Yes. My understanding was that they would send the information
ahead of us to whoever receives us at the other end. My experience and definitely
perception was that that did not happen because we just started from scratch when
we got to the hotel, about our situation. So it was very clear from the first phone call
with the mental nurse on duty, and that changed all the time, that there was no
continuity and there was no passing on of the information. And like I said earlier, it
25 felt like, you know, I lost my dad 14 times in that process because --- maybe more,
but every time someone phoned I had to explain the whole situation again. So even
if there was a continuity between DFAT handover to the hotel authorities, there
certainly wasn't even a handover within the hotel authorities, in my view.

30 MR IHLE: That's because every conversation or thereabouts that you were having,
you had to start from scratch again?

MR ERASMUS: That's correct. Very much so. It was quite a painful experience.
And other than the hotel medical staff that was there, there was also a level of
intervention or supposed support from DHHS, so like I said, on some days you
35 would get two different calls, having to relay the same story, so even within the hotel
quarantine staff and the DHHS there was clearly a lack of or no communication
about the situation of individuals.

40 MR IHLE: Mrs Erasmus, just throwing to you for a moment, how long have you and
Mr Erasmus been married?

MRS ERASMUS: Eighteen years.

45 MR IHLE: And how would you describe his personality and emotional level
usually?

MRS ERASMUS: He usually deals with his emotions quite well. He's in a very

stressful working environment and he usually runs and, you know, copes with his stress in ways like that. So he's usually able to process things without getting too frustrated.

5 MR IHLE: Given the experiences that all of the family have lived through, through March, being in quarantine, losing Mr Erasmus' father, but then specifically in quarantine here in Australia and witnessing Mr Erasmus having to relay the same information time and time again, how, from your perspective, did that affect him emotionally?

10

MRS ERASMUS: I've never seen him like that. He was extremely out of character, he was very agitated, not sleeping or sleeping too long, he was just really, really frustrated, completely out of control and unable to --- unable to deal with it, yeah.

15 MR IHLE: Mr Erasmus, in answering the questions I asked him before, relayed the communications that he was having and said that you may have been doing things behind the scenes as well. Was there anything you were doing behind the sequence?

20 MRS ERASMUS: The mental health nurse would --- he got to a point where he didn't --- he was refusing to take calls. And he was talking about how high the building was and how deep the atrium was and how far away the guards were and were they qualified to even stop him if he should go out into the passage and take a flying leap out of the atrium, in a joking manner, but I became concerned. So when the mental health spoke to me, and it's difficult in that situation because there's no
25 privacy, I would just try and relay to them, without him hearing, "Can you please organise us some fresh air today?" Because they had promised us once a week for 10 minutes. And he wasn't coping. And so I asked them to please would they --- and they said, "Well, we will put him" --- they said, "Are you worried about him?" I said, "I'm really worried about him." They said, "We will put him on the mental
30 health watch list." So he was on a mental health watch list, which is why they would phone every day.

35 MR IHLE: Mr Erasmus, in your statement at paragraph 24 you detail speaking to a DHHS staff member and being provided a phone number to call for bereavement counselling. Can you talk us through what happened there?

40 MR ERASMUS: So from memory, it was around day 2 or day 3, probably more like day 3, from memory --- and I stand to be corrected --- by then I had the --- I suppose I had the mental health nurses probably from the hotel at their wits' end and so
45 someone from DHHS, an individual called me from there. She told me to tell her the story again, and we explained the story. You know, it's not just dad passing away, it's also --- you have to understand it was also getting out of India, which was going into lockdown at the time, I think we got the last flight on Emirates out of India, it was --- I think it was three hours before it was official lockdown of everything. So we had that stress to deal with. Getting back to South Africa, you know, then having to see dad and then thinking I'll go back in seven days because he'll be okay, and then passing away. So there was a lot I had to tell them.

But to answer your question, what happened then was the DHHS individual --- I mean, she was very helpful at the time and as it was day 3, I still had hope that it wasn't just, you know, the same rebound that I got on all the others. So in retrospect I know that; I didn't know that at the time. She then referred me to --- she gave me a specific phone number and gave me a specific name of someone to speak to. And unfortunately for this Inquiry I can't recall the name but she gave me a name and a number to call and she said, "Look, just call tomorrow morning and let them know that you want to speak to this specific individual on grievance counselling, given the situation with your dad."

Now, it's not really in my nature to do counselling and stuff like that, and to be quite frank I have never done it before in my life. I have done it since this incident of course and it's been very helpful. But at the time it was new to me and I was a bit awkward. I was very grateful that she gave me a specific individual to reach out to. So the next morning --- we had two interlinking rooms and I think Sue was next door with the two girls and I got the courage up there to actually make the call, so I made the call from the bedroom. And a totally different person answered the phone and they said to me, "Look, there's" --- I said, "May I speak to person X?" Again, sorry, I can't recall the name. They said, "There's no such person working here." I said, "Oh, dear, okay. I was told by this person to call person X and speak about this." And they said, "Well, sorry, there's no one like that here." But they said, "What are you actually calling about?" I said, "Look, you know, it's grievance counselling." "Oh, what happened?" I had to tell again, and it was just like, "Okay, well, I can help you with that. Do you want to talk to me?" And I said, "No, that's okay, I'll leave it." And I put the phone down and politely refused the offer.

So I mean, I guess they can't cater for everyone, there's a lot of people in there, I appreciate that. It was just my personal experience there was just, you know, it was that opportunity to take the step and then --- call it a bit of chaos, call it a lack of organisation, you know, it stopped me from doing it. That was my experience. I hope that relays what I have said in the statement.

MR IHLE: Sue, do you have anything to add to that? That was a question to Mrs Erasmus.

MRS ERASMUS: No, I can't add to that.

MR IHLE: Do you agree from Ron's --- Mr Erasmus' perspective that the step for him to seek counselling was a significant step?

MRS ERASMUS: Yes, it was very difficult for him. I didn't expect that he would do it. I was pleased that he did it. And it just didn't --- it didn't --- it wasn't going to work, if he didn't --- if he had to tell the whole thing all over again, it wasn't going to happen.

MR IHLE: Yes. Just to move to a slightly different topic, you have made a number

of observations about the safety systems that were in place at the hotel when you were staying there, including in relation to some incidents with some fire alarms. Mr Erasmus, do you want to perhaps explain your experiences there and the concerns that you had?

5

MR ERASMUS: Yes, I mean, just broadly on the safety concerns, I mean, point in case, Sue walked away from quarantine with a fractured foot. I'll just put that on record. So going to the fire alarm, I think again it was our first weekend --- unfortunately I can't recall the day --- but it was on our third day, actually, sorry, 10 looking at the statement. On our third day in quarantine, we heard the fire alarm go off and it was --- well, it was an alarm, it was a siren of sorts. Then we heard the fire trucks, et cetera. And we didn't actually --- we didn't actually know what to do at the time. After a while, there was an announcement on the PA system to remain calm and stay in your rooms and not to do anything. And we --- I was slightly concerned 15 in that I thought, you know, with a fire truck coming and the commotion we could hear downstairs, you know, just getting a message staying "Remain in your rooms", I kind of thought, you know, that wasn't good enough, you know. And what do you do? Because you are in a bit of a conundrum in that you are told very strictly that you can't leave your room and at the same time you are not being given information 20 as to what's going on.

I think one of the things I looked for behind the door was just the --- again, this is from my experience, I don't proclaim to be an occupational health and safety expert but in my experience, in most of the hotels I stay in across the world, to be frank, you 25 have two kinds of sirens and you can distinctly --- there are different sirens for different situations in evacuation drills and there was certainly nothing in the Stamford Plaza to distinctly tell you what kind of siren it was on the emergency board. So the first thing I did, I called the manager downstairs and actually asked him about this. He then referred me to actually the --- as I referred to them, maybe 30 incorrectly, the quarantine personnel, so there was someone on duty from, I assume from Victoria Health or from DHHS, they referred me to this individual. He then said to me, no, he'll look into it and come back to me. And he didn't really come back to me.

I then phoned again to the front desk and said, "Look, I'm really concerned about this, we are locked in the room, and no one really spoke to us about what's going on, and it took such a long time for you to tell us what's going on." Just to say --- basically just to say it's a false alarm or there's nothing to worry about, instead of just saying, "Please don't leave your rooms." I don't think that was good enough at the 40 time. I do suspect I wasn't the only one calling because the manager on the front desk was quite agitated by the time I called him. So I think a lot of people had the same concern. From memory, there was a second instance when the fire alarm went off during our stay there. I just think they were ill prepared, having the situation they were in. Like I said, in any international hotel, the fire alarm goes off, the first thing 45 you do is head for the stairs and you try to get out, unless they say to you it's a false alarm. So we certainly had safety concerns regarding that.

MR IHLE: What level was your room on?

MRS ERASMUS: We were on level 10.

5 MR IHLE: Mrs Erasmus, in your statement you detail an occasion where you became injured quite significantly whilst in quarantine and Mr Erasmus just referred to that. Can you talk us through what happened on that occasion?

10 MRS ERASMUS: Yes. It was of our fresh air or exercise breaks, we were taken down to the alleyway, the public alleyway where they used to take us, and they cut us short. We didn't know why they cut us short but they sent us with not the usual guards from the alleyway but two of the internal guards. There seemed to be external and internal guards. And they took us to the adjoining building, it was like a bar area with a granite floor, and we were just using the rest of that time to play with the children, and I slipped and felt something go in my foot, and it turned out to be a
15 ligament and a fracture injury, so it was --- yes.

MR IHLE: Were the guards close to you when you fell?

20 MRS ERASMUS: No, they were not even in the room. They were standing outside the room. The room had glass windows, they were standing outside. They weren't in the room, no.

MR IHLE: Could you see them when you fell?
25

MRS ERASMUS: Yes.

MR IHLE: And did they come to your assistance at all?

30 MRS ERASMUS: No, they just stood there.

MR IHLE: And so what happened then?

35 MRS ERASMUS: They just stood there and eventually, because I realised I couldn't put any weight on my foot, we looked at them, they looked at us, and they said, "Well, we will take you back to your room now." And I couldn't walk. So Ron ended up carrying me and they took us back.

40 MR IHLE: I understand you ended up going to hospital later that day as well in relation to your foot?

MRS ERASMUS: Yes.

45 MR IHLE: And so after that did you spend the rest of your time in quarantine on crutches?

MRS ERASMUS: Yes.

MR IHLE: And was there also an occasion where you injured yourself in the bathroom?

5 MRS ERASMUS: Yes. We had asked if they could accommodate us with an easier
to access shower because it's an old hotel and it's been redone with the shower in the
bath, so you have to climb over. And it's a very small space. It's very difficult on
crutches to get in and out. But they said that they would only accommodate two of
us. And because I needed help, it would have been Ron and me, and the children
10 would have been alone. So we declined that offer. It wasn't going to work. So
I ended up, when I got out of the bath with the crutches, twisting myself in a --- and
my GP, when we got back home eventually, said I had slipped a disc. It was
[Indistinct].

15 MR IHLE: And all this was occurring whilst Mr Erasmus was dealing with his
emotional issues as well?

MRS ERASMUS: Yes. His work was quite stressful at that time as well because of
the COVID situation in India. He has a number of offices there. So he was having
20 to work, carry on working and try and just manage the situation which was
significantly more pressurised than in Australia. So he was dealing with that as well.

MR IHLE: I just want to move over to a different topic. Before I do, Mr Erasmus,
was there anything about Sue's injuries that you wanted to comment on or add to?
25

MR ERASMUS: No. Counsel, just to take you back to your question on safety,
I mean, that to me is the most obvious and glaring omission from their side, is that
my understanding was that when we go out for --- some people call it fresh air, other
guards call it exercise --- when we went out for these sessions, our understanding
30 was that there should always be a nursing person with us. When this incident took
place there wasn't, there was two guards and as Sue said they left it to me to carry
Sue all the way up, you know, back to the room. And they wouldn't touch us. You
know, they wouldn't come close to us. And, you know, taking her back to the
room --- and we knew it was a fracture. Sue is a registered nursing professional, we
35 immediately knew it was a fracture. Then having to phone downstairs and say, "My
wife has got a fractured foot," and then a nursing individual coming up and ticking
the box and saying, "Oh, yes, this looks serious, I'll get the doctor to come up." So it
was a bit of a relay team. Then waiting probably another 30 minutes for the doctor
to come up, the doctor telling us what we already know and then saying to us, "We
40 will get you an ambulance to come through." Then waiting for an ambulance for
about 40 or 50 minutes. And then taking possibly another hour to get out of the hotel
and then spending eight hours at a public hospital and then being told that "You
actually need surgery but because you are a COVID risk you cannot have the
surgery, you'll have to wait until you pass quarantine." And that's really
45 disappointing and upsetting because, you know, a lot of the surgeries she has had,
and she's got to go back for surgery again, might have been avoided had it been
reacted to much sooner. So all I want to add is that safety was an issue that wasn't

well thought through at the time.

MR IHLE: Mrs Erasmus, Mr Erasmus just referred to the fact that you are a nurse. Can you just talk us through your professional background a little bit?

5

MRS ERASMUS: I was trained in South Africa, so my training is a little bit more diverse than the training here. I'm currently doing my Masters in Health. But I have got training in theatre and in primary health care.

10 MR IHLE: Were you working as a nurse up until you went to India to see Mr Erasmus?

MRS ERASMUS: Yes.

15 MR IHLE: Now, you have made a number of observations in your statement, including what appeared to you to be nurses being rotated from different hotels.

MRS ERASMUS: Yes.

20 MR IHLE: You had some concerns about that?

MRS ERASMUS: I just thought that it wasn't ideal that the nurses were --- it just struck me as unusual to rotate nurses between, you know, hotels which would be hotspots or potential hotspots. The one nurse told us that she literally hadn't been to the same hotel twice or two days running. One day we did see her again and it was nice to see someone that we had seen before because it was very unusual. And the guards also told us that they were rotated. In terms of infection control, it would have been more wise to keep a certain set of staff at a certain venue.

25
30 MR IHLE: Given your experience as a nurse, I assume that you are familiar with the use of personal protective equipment or PPE?

MRS ERASMUS: Yes.

35 MR IHLE: Did you make observations about the use of PPE within the hotel quarantine system?

MRS ERASMUS: Yes. From the start when we were taken into the hotel, from when the luggage was handled from the bus to the room, I noticed that all the staff had gloves on. They were doing that in Africa but I thought it was probably because of misinformation that they were encouraging people to wear gloves, because, you know, I'm aware that studies have shown that gloves are contrary to infection control, they are meant to be single-use items for a single event and not used --- so what the guards and the receptionist and the hotel staff were doing was wearing the same pair of gloves and continuing as if there was no --- no viral threat. So they would be carrying your bags which you had touched and then touching the lift handles and then touching the door handles of the room, letting you in and then when we needed

to open and close the door to get our food package, we were touching the same handles. There were stations with hand sanitiser and I can only assume they were using the hand sanitiser over the gloves, which is contraindicated to the latex and whatever the gloves are made of. They didn't make us wear gloves always but they
5 did ask if we had them, that we could wear them. But we would take our own hand sanitiser and not wear gloves.

MR IHLE: Can I just ask you to explain a term you just used a moment ago and that is that gloves are single-use items for single events. What do you mean by that?
10

MRS ERASMUS: In medical terms, you would use a pair of gloves to do a procedure and then you would dispose of them immediately afterwards and then wash your hands. The purpose of the glove is to prevent whatever pathogens you have on your hands from then escaping that environment to another, so to keep a
15 dirty situation as a dirty situation and not transpose it to the next situation, which wasn't happening.

In fact, I think studies have shown that the more --- the more casual use of gloves contributes to the infections being spread because you are less likely to wash your
20 hands. You have that mental picture that you have got a barrier on your hands and you are not hand sanitising as often as you should be.

MR IHLE: You have both spoken about safety in the setting of an injury to you, Mrs Erasmus, the fire alarm and now the PPE. Did your observations, specifically in
25 relation to the PPE, cause you concerns about your own safety?

MRS ERASMUS: Yes. It was the PPE and the fact that we were in a hotel that had no separation of ventilation. The windows were unable to be opened. So we --- at
30 times we could smell cigarette smoke from the upper levels. And so I became aware that if we could smell cigarette smoke, if there was droplet infection, you know, airborne, that we were going to --- if there was an interconnection with somebody who had the virus, that we were at high risk of getting it, as well as the fact if the guards were coming from Rydges or whatever other hotel, that the possibility was ---
35 the guards were also handling our food packages because they were delivering them at the incorrect door, and then bringing it. And so if the guards had it on their hands, the possibility was that we were pretty much sitting ducks if --- you know, we were just hoping that we would be okay.

MR IHLE: That concludes the questions I have for you. Mr Erasmus, was there
40 anything about that last question that you wanted to add to?

MR ERASMUS: Just to say that I was less concerned because, except for the airborne stuff, because Sue made me aware of when we smelt the smoke that droplets could go through. I just --- maybe ignorantly --- assumed that I wasn't worried about
45 the guards and the mental staff because I assumed that they would have been tested as they come on to duty, even if it's a temperature check. I just reasonably assumed that, that everybody on duty at those quarantine places were checked on a regular

basis. I did not ask it, of course. Just to say I wasn't as concerned about the security and the staff and how they treated us because I just reasonably assumed, ignorantly so possibly, that they were not a threat in terms of COVID because they would have been checked on a regular basis.

5

MR IHLE: Yes. Thank you. As I said, they are the questions I have. Madam Chair, counsel for MSS Security has been in contact with me and I understand seeks leave to ask questions about two matters, one being social distancing and the use of PPE whilst exercising, and the conclusions expressed in the statement regarding first aid training by security guards. I invite her to make that application.

10

MS ROBERTSON: If it please the Board, we would apply to seek leave to cross-examination on the two matters that my learned friend Mr Ihle has put to the Board.

15

CHAIR: Yes, I'll grant that leave, Ms Robertson.

CROSS-EXAMINATION BY MS ROBERTSON

20

MS ROBERTSON: Mr and Mrs Erasmus, thank you for your time here today. You have obviously given very considered evidence. And I'm assuming also too that in preparing your statement you have likewise been adopting that same considered approach. Would that be fair to say?

25

MRS ERASMUS: Yes.

MR ERASMUS: Yes.

30

MS ROBERTSON: You have included in your statement, haven't you, the matters that you consider to be the matters that you think the Board should take into account in relation to your experience in the Hotel Quarantine Program, together with your evidence today?

35

MR ERASMUS: Sorry, can you repeat that?

MS ROBERTSON: The matters that you have brought to the attention of the Board in your statement, together with the matters you have said in your evidence today, are the matters that you would consider ought to be brought to the attention of the Board?

40

MR ERASMUS: Yes. It's the matters that we --- well, it's what we experienced, really, in the simplest terms.

45

MS ROBERTSON: Yes. And so to the extent that you have talked in your witness statement about exercise breaks, I don't think we have gone into that terribly much

yet in your evidence here today. But I understand that what you first arrived in hotel quarantine you thought that you would only get two exercise breaks during that period of time; is that correct?

5 MRS ERASMUS: That's what they told us on the phone.

MS ROBERTSON: And in fact you say in your statement that it ended up being more than that.

10 MRS ERASMUS: Yes.

MS ROBERTSON: Do you recall now how often you received exercise breaks, on how many days, for instance, out of your 14 days?

15 MRS ERASMUS: Three times.

MS ROBERTSON: And on two of the three occasions would it be fair to say they took place in the alleyway beside the hotel?

20 MRS ERASMUS: Yes.

MS ROBERTSON: Can I just ask you, the alleyway beside the hotel is roughly about how long? 40 metres, would that be fair to say?

25 MRS ERASMUS: The alleyway is a very long one, it's a public alleyway between the two streets. The area that they had apportioned for us to use was maybe 15 metres.

30 MS ROBERTSON: And how many security guards attended with you when you went to the alleyway?

MR ERASMUS: Usually it was five, two on either side and one would be roaming.

35 MS ROBERTSON: And when you said two on either side, you mean at either end of the alleyway?

40 MR ERASMUS: Well, 15 metres apart but certainly not either end of the alleyway, because we just used 15 metres of the alleyway. So two 15 metres apart from the other two.

MS ROBERTSON: You are in the middle and the other security guards are at either end; is that correct?

45 MR ERASMUS: That's fair.

MS ROBERTSON: When you went out to exercise, as I understand it, you had been stuck in your rooms for some time and presumably you used that time to exercise? Is

that a fair comment?

MRS ERASMUS: Yes.

5 MS ROBERTSON: Mrs Erasmus, you have given some evidence today that you are a nurse. As a nurse, you would be fully aware of the requirement to stay more than 1.5m apart, to ensure effective social distancing, would that be correct?

MRS ERASMUS: Yes.

10

MS ROBERTSON: So at all times when you were in the alleyway you weren't less than 1.5m from the security guards, were you? You complied with those social distancing guidelines?

15 MRS ERASMUS: Yes, except when they took us through the doors back into the hotel, we were less than 1.5m and obviously in the lifts we were less than 1.5m.

MS ROBERTSON: Yes. And in your witness statement you say that you were allowed to remove your mask while you were exercising.

20

MRS ERASMUS: Yes.

MS ROBERTSON: I just need to clarify with you: do you consider that --- it's a little bit unclear from your statement whether you consider that to have been a problem or not a problem.

25

MRS ERASMUS: When they said to us, "You can remove your mask in the alleyway," I wasn't thinking like a nurse, I was thinking like someone who had every time for the past two months been having to wear a mask, so I would --- yes, I wasn't thinking like a nurse. But, yes --- sorry, what was the question?

30

MS ROBERTSON: Did you think that you should have been wearing a mask?

MRS ERASMUS: It was a public alleyway and there were people that would come past. We were not told to put our masks back on when the people came down that public alleyway, we were just told to move to the side. So we would --- I would make the children put the masks back on but we were not asked to do that.

35

I was just aware that, had one of us coughed or sneezed while our mask was off and then a member of the public had come down the alleyway, that there may have been a potential for cross-infection. It is an alleyway that is not in the sun, it is very dark, and, yes, that was my thought.

40

MS ROBERTSON: But, as you have said, you maintained your social distance while you were in the alleyway?

45

MRS ERASMUS: Yes.

MS ROBERTSON: You have given some evidence about your fall in the hotel bar. Mr Erasmus, you explained to us that when you went out for fresh air breaks, your understanding was that there should have been always a nursing person with you.
5 That's correct, isn't it? That's your evidence?

MR ERASMUS: That's correct, yes.

MS ROBERTSON: On the day that you were taken into the hotel bar for exercise,
10 there wasn't a nurse present with you, was there?

MR ERASMUS: No, there was not.

MS ROBERTSON: Presumably had there been a nurse present, the nurse would
15 have attended to your medical needs?

MR ERASMUS: One can assume that, yes.

MS ROBERTSON: And so you say in your statement that you had developed an
20 impression that the security guards had no training in how to deal with first aid situations, other than to keep their distance from you. Do you recall saying that at paragraph 29?

MR ERASMUS: Yes.
25

MS ROBERTSON: It's true, isn't it, though, that you have no personal knowledge about what training the security guards had been given?

MR ERASMUS: Yes, that's true.
30

MS ROBERTSON: And so if I say to you that there will be evidence in this Inquiry that the MSS Security staff and subcontractors are required to hold a Victorian private security licence, individual, and that that licence carries with it a requirement that there be currency in first aid, you wouldn't dispute that requirement, would you?
35

MR ERASMUS: On the facts of what you are saying, no, I wouldn't be able to, no.

MS ROBERTSON: And similarly, if I was to say to you that, like the first aid training, you have no personal knowledge of what training the security guards had undertaken in relation to infection control, you would agree with that too, wouldn't you?
40

MR ERASMUS: I would have to, yes.

MS ROBERTSON: And certainly there will be evidence given that it was a prerequisite for security staff to undertake infection control training, an online course from the Federal Government. In saying that, the evidence will be that the MSS
45

Security staff completed the relevant training and you wouldn't be in a position to dispute that that had not occurred, would you?

5 MR ERASMUS: No, I would not. But ---

MS ROBERTSON: Sorry?

10 MR ERASMUS: I mean, everything you say there is very academically true and theoretically true, but at the same time you cannot dispute my experience, right, that my wife slipped ---

MS ROBERTSON: Of course.

15 MR ERASMUS: --- and there were two security guards standing right there and not doing anything about it.

MS ROBERTSON: Yes. You said in your evidence that these security guards were positioned outside of the room; is that correct?

20 MR ERASMUS: Yes.

MS ROBERTSON: You didn't ask for a nurse to come and attend to you, did you?

25 MR ERASMUS: No, we were told, as soon as she fell, we were told that "You have to go back to your room now." It was very much a directive from their side. You are right, my first thing was I wanted to take her through to see a nurse, but they said, "We've got to take you back to your room now."

30 MS ROBERTSON: So the situation is that they were outside the room, they may not have seen Mrs Erasmus fall?

35 MR ERASMUS: They definitely did because they rushed inside to tell us, "You have got to leave now," when she was on the floor. So for sure they saw what happened, that is quite evident.

MS ROBERTSON: Yes. So in relation then to what you did, they didn't at that stage have any appreciation of the injury, did they?

40 MRS ERASMUS: They did because I removed my shoe in the lift.

MS ROBERTSON: In the lift or in the hotel bar? I'm talking about at the hotel bar, at that point.

45 MRS ERASMUS: No, but they could see that I tried to put my foot down and I couldn't, I was in agony.

MS ROBERTSON: Yes. So had there been a nurse present, the nurse could have

dealt with your injury.

MR ERASMUS: But there was no nurse present.

5 MS ROBERTSON: Yes. And so the security guards followed the procedures that they thought they had to follow, which was to take you up to your room?

MR IHLE: I have to intervene here, Madam Chair. That is an impermissible question because these witnesses can't possibly know what their procedures were.
10

MS ROBERTSON: I'll withdraw that question.

All you can say really is that the security guards didn't see your injury in the hotel bar. That's correct, isn't it?
15

MR ERASMUS: That's incorrect. They did see the injury because they rushed in as soon as Sue was down, in agony and pain, so they did see her.

MS ROBERTSON: When you say you took off your socks, they didn't see that the hotel bar?
20

MR ERASMUS: Of course they didn't see it in the hotel bar but they saw my wife in distress and pain and they saw me picking her up and having to carry her.

25 MS ROBERTSON: Yes, and ---

MR ERASMUS: Their reaction, sorry, if I may, their reaction was to say, "Go back to your room right now." To me, rightly or wrongly, the impression was, "Let's abscond ourselves from this and let's just get it out of our sight."
30

MS ROBERTSON: Yes, and so they did take you up to your room and then you called the nurse at that point; is that correct?

MR ERASMUS: No, we called the nurse.
35

MS ROBERTSON: Yes. Yes, you called the nurse at that point, yes.

MR ERASMUS: Because one would reasonably assumed, if they were trained as you have said, they would have gone down and said, "We have got an incident in room 10-whatever, please can you send someone up," which they didn't do at all.
40

MS ROBERTSON: And you don't have any direct knowledge that they didn't do that, though, do you, Mr Erasmus? I'm not suggesting that they necessarily did but I'm just simply saying that you can't say whether or not they did.
45

MR ERASMUS: Probably you're right, yes.

MS ROBERTSON: Thank you. I have got no further questions.

CHAIR: Thank you, Ms Robertson. Is there anyone else, Mr Ihle, who indicated they wanted to put any further questions to Mr and Mrs Erasmus?

5

MR IHLE: Not that has been in contact with me, Madam Chair.

CHAIR: It doesn't appear that any other applications have been made. Thank you, Mr and Mrs Erasmus, thank you for your attendance and for bearing with us through that technical glitch. You are now excused.

10

MR ERASMUS: Thank you, Madam Chair. Thank you, counsel.

15 **THE WITNESSES WITHDREW**

CHAIR: It might be an opportune time to take a short break while we are getting the next witness ready, Mr Ihle. We will take a 15-minute break now.

20

MR IHLE: As the Board pleases.

ADJOURNED

[11.12 AM]

25

RESUMED

[11.26 AM]

CHAIR: Yes, Mr Ihle, we are ready to proceed with the next witness. Perhaps before we do that, if you just bear with us for a moment, please, Ms Ratcliff. Given the nature of the content of some of that evidence during this morning, it is worth repeating the number for Lifeline, given the nature of that evidence. It is 13 11 14. For anyone who was listening to this morning's evidence and was distressed by anything that they heard, the number for Lifeline is 13 11 14. Thanks, Mr Ihle.

30
35

MR IHLE: Thank you, Madam Chair. I call Liliana Ratcliff.

CHAIR: Ms Ratcliff, you can obviously see us and can you hear us as well?

40

MS RATCLIFF: Yes.

CHAIR: I am sure you have had it explained that for the purposes of giving evidence you are required to take an oath?

45

MS RATCLIFF: Yes.

CHAIR: I will hand you over to my associate for the purposes of doing that.

LILIANA RATCLIFF, SWORN

5

CHAIR: Thank you. I will hand you over to Mr Ihle now.

10 **EXAMINATION BY MR IHLE**

MR IHLE: Thank you, Madam Chair. Ms Ratcliff, your full name is Liliana Ratcliff?

15

A. Correct.

Q. Your contact details are known to the staff of the Inquiry?

20

A. Yes.

Q. You have provided a statement dated 18 August of this year?

25

A. Yes.

Q. Including the signature page, that is a statement which is 12 pages long?

30

Q. And that is 91 paragraphs of information?

A. Yes, it does.

35

Q. Is that statement truthful?

A. Yes.

Q. Are its contents accurate?

40

A. Yes, they are.

MR IHLE: I tender the statement, Madam Chair.

45

CHAIR: Exhibit 020.

EXHIBIT #020 --- STATEMENT OF LILIANA RATCLIFF

MR IHLE: Ms Ratcliff, I'm going to ask that a number of documents be brought up, because you have provided copies of these to the Inquiry. Can I ask that document
5 WIT.0001.0005.0013 be brought up, please.

Ms Ratcliff, you detail in your statement at paragraph 13 that you were given a Detention Notice upon your arrival into Melbourne Airport on 6 May this year. Is
10 this a copy of that Detention Notice?

A. Yes, it is.

MR IHLE: Madam Chair, there are a number of documents I'm going to refer to. Perhaps they can be tendered as a bundle at the end.
15

CHAIR: Yes.

MR IHLE: You see, Ms Ratcliff, about three-quarters of the way down the page, it identifies that you will be detained at the Stamford Plaza, specifically in room 310, and you will be detained until midnight on 20 May 2020.
20

A. Yes.

Q. Is that what you were told when you were handed this Detention Notice?
25

A. Yes, I was.

Q. In fact, is that where you were detained and specifically the room that you were detained in and you were released on 20 May?
30

A. Yes, I was. I was released on the morning of 20 May and we had two rooms because I had children with me, so we also had a connecting room.

Q. Were your children given separate Detention Notices?
35

A. Yes, they were.

Q. Perhaps if we can bring up the next document, it has the same document ID, but ends in 0015, WIT.0001.0005.0015.
40

In paragraphs 20 and 21 of your statement, Ms Ratcliff, you talk about --- sorry, paragraphs 19 to 21, you talk about being corralled into the foyer of the hotel upon arrival, being told to stand in a queue, completing paperwork and being given many pages of information. Specifically those pages of information, perhaps if we can
45 scroll through these, because there is a number of them, are these the many pages of information that were given to you upon your arrival at the hotel?

A. Yes, they are.

5 Q. Thank you. Perhaps if we can bring up the next document, WIT.0001.0005.0036. Ms Ratcliff, at paragraph 33 of your statement you talk about some of the food that was provided to you and the fact that you took some photos of the food. If we can scroll through these four or five photos, you can tell us whether you identify these as the photos you took of the food that was provided to you whilst in quarantine?

10 A. That's correct. Those are the photos. I took the photo of the previous one, because it was the only salad we received in two weeks, so it was of interest to me.

Q. That's the document ending in 38. Thank you.

15 Ms Ratcliff, moving to paragraph 37 of your statement, you say at paragraph 37:

Every few days I would get a knock on the door to let me know that a paper notice had been delivered. Notices were left on the floor just outside the door and I did not see who left them. The notices contained information about things like COVID-19 testing and changes to rules.

20 If the document WIT.0001.0005.0041 can be brought up, and zoom into that a little bit and then scroll through the pages. Ms Ratcliff, are these the notices that you spoke of in paragraph 37, the ones that were left following a knock on your door?

25 A. Yes.

Q. Thank you. Finally, if the document WIT.0001.0005.0061 can be brought up. In paragraph 78, Ms Ratcliff, you detail being provided an End of Detention Notice ---

30 A. Yes.

Q. --- on your final day in quarantine. Is that a copy of the End of Detention Notice?

35 A. Yes, it is.

Q. You will see there, "Place of detention: Stamford Plaza, 310 to 311." That has both of the adjoining rooms on it?

40 A. That particular notice was delivered to my door by two gentlemen the night before I left.

Q. Yes. Thank you.

45 Madam Chair, I tender those documents as a bundle.

CHAIR: That bundle of documents will be marked Exhibit 021.

EXHIBIT #021 - BUNDLE OF DOCUMENTS PROVIDED BY MS RATCLIFF

5 MR IHLE: As the Board pleases. Can I indicate there's another annexure to Ms Ratcliff's statement that I will take her through during the course of her evidence and that will be tendered separately.

CHAIR: Thank you.

10

MR IHLE: Ms Ratcliff, in your statement you identify that you are a registered physiotherapist or a person with registration as a physiotherapist.

A. Correct, yes.

15

Q. You also have a Masters of Public Health?

A. Yes.

20 Q. You have been professionally engaged in coordinating scope clinics at Peninsula Health?

A. Correct.

25 Q. And you consider yourself, through the roles that you have been engaged in, as a health professional, as being someone familiar with infection control?

A. Correct.

30 Q. You know what's needed?

A. Yes, for the majority of those 20 years I have worked in hospitals, up until just before I went overseas.

35 MR IHLE: Madam Chair, I have just received a notification that the livestream has gone down again. I don't know if that has made its way to you.

CHAIR: Yes, I have just received the same notification, Mr Ihle. My apologies to you, Ms Ratcliff.

40

A. That's okay.

45 CHAIR: If we just pause for a moment, hopefully this won't take too long. The technical people operating the system behind the sequence are obviously having some troubles this morning keeping our livestream going.

A. It happens.

CHAIR: Mr Khan, are you able to hear us and give an indication of how long this is likely to take? I will see if I can find out the answer to that question in another way, Mr Ihle.

5

MR IHLE: Yes, Madam Chair, I'll make enquiries myself.

CHAIR: I have just been given a message, Mr Ihle and Ms Ratcliff, that it's five to 10 minutes. Rather than having you sit there and the rest of us sit there, I think the best thing to do is to take a 10-minute break. The time is 11.40, so I'm hoping, if that is an accurate estimation, that we should be back by 11.50. But I'm sure Mr Ihle and the Inquiry staff will keep you informed.

A. Thank you, Madam Chair.

15

MR IHLE: If the Board pleases.

ADJOURNED

[11.42 AM]

20

RESUMED

[11.49 AM]

CHAIR: Mr Ihle, apologies again for that interruption.

MR IHLE: I take it we are back and livestreaming?

CHAIR: That's my advice.

30

MR IHLE: I see Ms Ratcliff is back.

A. Yes.

MR IHLE: Madam Chair, do you require Ms Ratcliff to be reminded of her oath at all?

CHAIR: No, I'm satisfied that Ms Ratcliff understands that she is under oath still.

A. Yes.

MR IHLE: Thank you, Madam Chair.

Ms Ratcliff, just before we were advised that we had lost the livestream, you were detailing in answer to some questions a bit of your experience as a health professional. You concluded by saying that for the majority of the 20 years you had worked as a health professional you had worked in hospitals?

45

A. Correct.

5 Q. That you understand infection control as a principle, what is required to adhere to it, and you're familiar with those procedures insofar as they are adopted in a hospital setting?

A. That is correct.

10 Q. Can I ask you to detail some of the observations you made whilst in hotel quarantine in respect of infection control? First of all, if we might look at social distancing and how that was observed or not observed in your experience. Can you tell us about the trip to the hotel, that was the Stamford Plaza Hotel, in the bus on 6 May, after you arrived at the airport?

15 A. So overall I would say that the night we arrived, the emphasis was on detention. So we were instructed to climb on the bus and the police stood outside and we made our way on to the bus. There was no instruction about where to sit. Obviously, everybody tried to social distance. We sat in the very back row. I had someone in
20 front of me on both sides.

Q. Were they within 1.5m of where you were?

25 A. There were definitely people within 1.5m of each other and they were within 1.5m of my children, yes.

Q. Did that give rise to any concern for you?

30 A. It --- I had already made the determination that it was detention because of the notice that we had been given and the way that it was handled. I just took it in my stride.

Q. Focusing on social distancing as an issue, can you describe the scene that met you when you arrived at the hotel, specifically in relation to the foyer?

35 A. Yes. So we were all corralled into the foyer. There were two buses that night. I think we did one bus at a time. And there were people everywhere. So there was a table to the right that had what I think were DHHS staff, because they were doing paperwork. On the end of that table was a nurse. There was the hotel staff. So we
40 were then instructed as well to go to the hotel desk where we gave --- they swiped our credit card for security purposes. So I assumed they were hotel staff.

45 There were people taking luggage upstairs, quite a few people, on the trolleys that you have in hotels. And then there was a lady giving out food, so sandwiches that were in a bag. And then of course the returned travellers. So there were attempt --- there were a few people who told us, "Stand here, stand there." Most of the time, I kept the children very close to me. Most people were trying to social distance

themselves. But you were at the same time concentrating on everywhere you were directed to go, so that we complied.

5 Q. When you were taken up to your room did anyone travel with you in the elevator?

A. Yes.

Q. Who did?

10 A. I believe it was a security guard.

Q. Were you able to social distance yourself and your children in the elevator with the security guard there?

15 A. We stood as far back as we could. I would have preferred he didn't get in the lift, to be honest. They could have waited on each floor, have someone at the bottom, watch us go in, someone at the top, but we did the best we could.

20 Q. Do you remember whether that security guard who travelled in the lift with you was wearing any PPE?

A. Yes. That's the night I remember least, because of course --- I remember very specific things. But in regards to PPE, my perception was that everyone was wearing masks. But I can't be sure about gloves.

25 Q. Do you recall who pushed the button in the elevator to go up?

A. I waited for the guard to do it.

30 Q. Did you make, throughout the time you were in quarantine detention, observations about the guards in general, about social distancing, their use of PPE?

A. Yes. I was not able to differentiate between the guards and the hotel staff. In my mind I guess I made a distinction between people who were health professionals, because that was evident to me who was, but there was someone outside our room almost all the time watching whenever we opened the door. Most of the time when I opened the door, they would jump up or look at me, why I was opening the door. We would open it to either receive --- we would only open it because we got a knock at the door, either because food arrived or a piece of paperwork. Sometimes --- they were definitely not wearing gloves some of the time, because I would see them tapping on their phone, so that made me notice they didn't have gloves. They were sometimes wearing earphones and listening to their phone. It was obviously fairly boring, many hours doing that. In terms of people that I saw, I don't know who some of the other people were but you would see people sometimes picking up rubbish or walking around the foyer. Definitely nursing staff always wore gloves. Everybody else, it was inconsistent --- sometimes gloves, sometimes not. Usually masks. But I did encounter someone who came to my door once and spoke to me and didn't have

a mask on.

Q. I'll come back to that in a moment. Going specifically to the guards and your observations of them, paragraph 71 of your statement you say:

5

I noticed that the guards did not practise social distancing and would sometimes lean against the hotel railings.

10 A. Yes, so when I would open my door, I would sometimes see two guards at the corner, so there was always one seated and one standing, and they would be speaking to each other closely. It was a mezzanine level, so the corridor was quite narrow, and they would be leaning on the railing, talking to each other, laughing, that sort of thing.

15 Q. You have already told us there was inconsistent wearing of gloves.

A. Yes.

20 Q. At paragraph 72 you describe having a sense of panic when you observed guards not wearing gloves or leaning on the surfaces. Can you explain to us how that sense of panic came about and what triggered that?

25 A. The most --- I noticed the inconsistency in my first day, as I said. The thing that really drove it home was when we went for our first walk. And definitely I would say there was a guard who appeared to be the leader, he had an N-95 mask on and gloves, but the other guards, there were four that took us outside, they didn't social distance, one tried to get in the lift with us when we went downstairs and the guard who was in charge put his hand up and told him not to. When we went outside, they knew each other, they were talking to each other, as we --- close, definitely less than
30 1.5m. When we were running up --- so it was an alley right next door to the hotel, that they stood two at either end and, I mean, I want to be clear, they were very lovely people. I really felt for them actually because they had --- they tried to make our stay pleasant, they obviously were considerate because I had children, they had originally told me that the walk was going to be 10 minutes but it was closer to 20.
35 I felt they had done that because I had children. But I was not observing infection control. I made the assumption they didn't understand infection control. Because health professionals --

40 Q. Why did you make that assumption?

A. Because of the lack of gloves, the trying to get in the lift, the standing close and talking to each other. The head --- the guard that appeared to be in charge had to constantly instruct them, "No, stand over there, no, keep your distance," and so forth.

45 Q. Did that cause you concern?

A. Yes, definitely.

Q. What was your concern?

5 A. I was concerned --- because I have to assume that the guards are the same ones
that go from room to room. When he first knocked on my door, the morning of the
walk, I wasn't expecting him. We hadn't asked for a walk, so we weren't ready. The
head guard said, "I have a very long list of people, my time is really tight, I'm going
10 to have to come back in 10 minutes." They had already made me a bit panicky
because I think if you have a tight schedule that it's harder to think through infection
control. He came back, he took us for the walk. As I said, I observed them getting in
the lift. Some of them didn't have gloves. They didn't social distance when we were
walking. Knowing that they were doing all the walks, that made me concerned
15 because if they were to pick up something from another traveller, they would then
give it to other travellers or to each other.

Q. You also in your statement detail a number of concerns about infection control
when it came to the nursing staff.

20 A. Yes.

Q. You have detailed at paragraph 40 that you noticed nursing staff as they went
from door to door to do swabs wore the same gowns, the same gloves, the same
mask?

25 A. Yes.

Q. Can you explain to us why that enlivened within you a specific concern in respect
of infection control?

30 A. Yes. So they obviously had some awareness of infection control. They asked us
to open the door, put a seat in the doorway, sit down and do tests. I never observed
them to change their gloves before they started or after. I didn't see spare gloves,
I didn't see a glove bin, a PPE bin. They didn't change between testing the three of
us. I inferred from that that there was no intention to change their gloves. And
35 compared to hospitals, that's just not how it's set up at all. We --- for a start --- there
were obviously differences. We have signs everywhere. If a person is suspected to
have, say, influenza, they are treated the same as if they are a confirmed case, until it
is proven otherwise. So we're also taught the five moments of hand hygiene, we
have to do that training every year, where you disinfect your hands. We have signs
40 everywhere for that. And when I enter the room of a patient who has, say, influenza
or even just diarrhoea, gastroenteritis, I'm expected to don all the PPE outside the
room. The cart is specific to that room. I go in and see the patient. When I come
out, I take it all off. Even if the patient were to call me back in the room, I have to
45 put a new set on again, go in, check the patient, come back out. Because the
emphasis isn't just on us not catching something but it's also on not spreading it from
room to room. So we are also instructed --- everyone knows about stethoscopes.
You take them from room to room, you have to disinfect them. Anything you take

from room to room presents an infection control risk.

Q. You said you didn't see any gloves being changed or any PPE bins with the nurses there. When they do the test, presumably the hand comes very close to your face?

5

A. Absolutely. My 9-year-old coughed and spluttered when they did it. The cart was very close, it was definitely less than a metre away, we could have touched it, and that cart was going from room to room. I would not have done that myself, I would not be allowed to do that in a hospital.

10

Q. You also referred to before there was an occasion when someone came to your room and they weren't wearing any PPE. Can you tell us about that?

A. Yes, there was a knock on my door and given that we often got knocks at the door just for food and paperwork, I didn't put my mask on. I wasn't expecting anyone. When I opened the door --- it was Mother's Day and this gentleman, who was very lovely, he had some gifts for Mother's Day, some chocolates and lollies which he gave to me. He didn't have a mask, I didn't have a mask. I felt very nervous. He was quite endearing, leaning in, "I know it's Mother's Day, I hope you are okay. We have got some extra chocolates." I really felt for him because I thought, "You don't know if I'm positive or not and I appreciate your kindness but it's a risk."

20

Q. In your statement, and I assume it's in relation to the things that you have been talking about, but specifically at paragraph 91 you say the following:

25

In quarantine, I was tearing my hair out, knowing that the infection control processes were not right, but not knowing how to protect people.

A. Correct.

30

Q. Can you expand on that?

A. So after the COVID test and the one walk, that was it. I was not going to let anyone come in my room, I wasn't going to go out of my room, that's how I was going to protect myself and my children. But given that I'm a health professional, I knew that there weren't infection control standards there. I would have --- if you asked a physiotherapist or a nurse to take a patient for a walk outside, because I need to highlight as well, the walk outside was before my COVID test had come back. You have to assume that patient is positive until you know otherwise. I would never take a patient out without full PPE. They definitely didn't have full PPE, gloves, mask, gown, and preferably eye covering. And so I knew that I could presumably protect myself --- at that stage I got a negative result for the three of us for COVID --- but I just couldn't fathom that other patients would not have the same skills that I had and wouldn't know how to protect themselves. We weren't given gloves, masks or any sanitiser while we were there, which you would want, say for the walk.

40

45

I had my own supplies. Having said that, I only had one mask or each of us, I had to reuse that. And the impression I got, I was making an effort to always put on my mask before I answered the door and things like that if I expected a person, but this was no instruction to do that. I know from patients that they don't do that, they are not aware of that. You have to instruct them, you have to say, "Keep your distance, put the mask on," and so forth. So I definitely had a concern for staff and other travellers getting COVID in the hotel.

Q. You also in your statement detail concerns you had for other people that were in quarantine, not only in relation to infection control but mental health concerns?

A. Correct. That's not specific to the hotel I was in. But overlapping my time I had a friend who was in another hotel in Melbourne and she had made friends with some people on her flight, people, someone whose brother had just died, someone whose father had just died, they were struggling. I --- given my work experience, I would of course have thought that people's mental health was challenged. It was --- my mental health was challenged. It was incredibly stressful to get back from Spain, it was a very big ordeal. You were stopped along the way a lot by police, I knew a lot of people who hadn't made it because they were turned back or flights and things were cancelled. That in itself was stressful. And when I returned in May, that was -- the people who were returning weren't generally people who had been on holidays, they were people who either lived overseas or were unable to get back any earlier. So that means you have six or so very stressful weeks overseas with a pandemic unfolding. And so I found it hard for my mental health. My kids definitely found it hard. Except that I knew what to do, I knew about routine, I knew how to connect with people, I had a lot of support. But I know from my experience in health that that's not the case for everybody.

Q. You say in your statement that you raised concerns for the mental health of other quarantine guests. With whom did you raise those concerns?

A. So after the first few days, whenever the nurses called my room, because they would call daily to ask if anyone had COVID symptoms, I elected to say, "I do not consent to answering your questions about COVID symptoms because I am protesting" and every day I chose a different thing. So I definitely --- one of the common concerns was I said I'm concerned about people's mental health. I was concerned about high-risk patients. I was concerned about infection control. And my aim in doing that was I knew they would have to document that. I knew I wasn't really --- it wasn't a really serious rule I was breaking, because you are permitted to not consent to something. But I had hoped that if I did it every day, I would get someone's attention, it would be escalated to a manager.

Q. And did you get the sense that it was escalated and that you were getting attention?

A. Probably about eight days into it, I got a call from the nursing manager. That's how he introduced himself. I never met him. And he basically said, "You're making

our job difficult. Can you just answer the questions?" I said, "No, I'm not going to answer the questions. I don't enjoy doing this, I don't get any joy. But you are a health professional and you know that this isn't right, you know this isn't the way we do things in a hospital. You can escalate this. I can't." He then instructed me to write --- he gave me a website that I could write my complaint to DHHS, which I was very pleased about. And I proceeded to do that the next day.

Q. In your statement, you say:

10 *When I expressed my concerns about this ...*

This is what you say in paragraph 87:

15 *... not being run correctly and that many of the people involved were not trained in infection control*

You say in paragraph 88 that you felt like you were brushed off.

20 A. Mm-hm.

Q. What do you mean by that and by whom did you feel like you had been brushed off?

25 A. By the nurse who answered the phone. To be fair to them, they seemed quite young, they seemed in their 20s. On a ward in a hospital, we have a hierarchy of workers. Certainly for physiotherapists, we have grades 1, 2, 3. You would escalate, you would go to the nurse manager or the health manager. You just keep escalating. This is why I feel it was a systems issue. I feel that they --- I don't know why but they perhaps didn't know how to escalate or something like that, I don't know.

30 But they a little bit dreaded calling me, I think, because one day --- and I was never rude, I spoke to them exactly how I'm speaking to you now, because I obviously didn't perceive it as being a fault with them but with the system. But one day I wasn't able to answer the phone, I think I was in the shower, my 13-year-old answered and she came and told me that the nurse said, "Great, it's not your mum. Quick, can you just answer the COVID questions?" But of course my daughter at this stage had overheard me for more than a week saying, "I do not consent to answering." So she came to me and said, "Is it okay, Mum? I said I didn't know because I know that you didn't want to answer those questions." That's why I felt it was brushed off. They wanted me to answer those questions. I made it clear to them, I said, "If you need to know about COVID symptoms, you are welcome to come to our room, have a listen, have a look at us, but I want you to document that I am protesting three main areas," which was mental health, infection control and high-risk patients.

45 Q. You told us before that you were directed to a DHHS website where you could lodge a complaint.

A. Yes.

5 Q. According to your statement, you say you lodged that complaint on 18 May 2020.

A. Correct.

Q. Now, that was whilst you were still in quarantine, was it not?

10 A. Yes, it was.

Q. Okay. And can I ask that the document, with document ID WIT.0001.0005.0059 be brought up, please.

15 You might need to zoom in to the top of that. Is that a copy of the contents of the complaint that you lodged?

A. Yes, it is.

20 Q. Just above the heading "Mental health", about one-third of the way down the page, you describe the experience of mandatory quarantine being dehumanising?

A. Yes.

25 Q. Is that how it felt to you at the time?

A. Absolutely. Compared to how we would treat patients in health care settings, it was dehumanising.

30 Q. On that page you have points 1 and 2, "Mental health" and "Health and safety". The first line under "Health and safety", you say:

We are more likely to catch COVID-19 by being locked in a hotel with other returned travellers than if we were allowed to quarantine at home.

35

A. Yes.

Q. What did you mean by that?

40 A. So my objection --- I had not objected to quarantine prior to arriving in Australia. I was pleased because my husband and other children were here and I didn't want to infect them. But when I saw the setup, that's why I wrote this letter. I thought it was better that people were allowed to quarantine at home because of exactly what I go
45 on to say, when I see that they are not following infection control procedures that are absolutely standard in a hospital. I have to worry that the staff will catch PPE, although the nurses were fairly protected themselves, but they can give it to other staff and they can give it to other travellers.

Q. You said catch PPE? I assume that was a slip --- you meant catch COVID?

A. Sorry. Catch COVID. Correct.

5

Q. If we scroll down to the second page, we see the third point. As you say, there were three issues that you were concerned with. There have been some redactions there for personal information. But you yourself there identify that you have an autoimmune disease and were on immunosuppressant medication?

10

A. Yes.

Q. Is that another matter that escalated the concerns that you had in your mind about infection control and the risk that you were being placed in?

15

A. Yes. And in reality I --- as I said, I felt that I could protect myself fairly well, to the best of my ability. And I was using my example to show that it's a legitimate concern, because there are persons like myself on immunosuppressant medication, and then I go on to detail that that's going to be the same for a lot of high-risk

20

patients. One time when I spoke to the nurse and I said to her about some of the checks and balances that were missing, because as I said, every day I phrased it in a different way, and she said to me, "But we do INRs and BSLs here." So an INR is a blood clotting test and a BSL is a blood sugar level for diabetics. I said to her, yes, of course, but those are conditions that patients are going to know that they have.

25

They are not routine tests. And I was objecting to the fact that there wasn't the --- the nurses, I guess, did the best that they could but there wasn't a system like we have in a hospital where we do daily observations. There is a thing called rounding, where nurses try to get round to every single room every hour, "Is there everything okay in here?" There were just things missing that wouldn't pick up. If a patient didn't know they had something --- and I had to assume a lot of travellers were like me, they had been stuck overseas. I was supposed to have three weekly blood tests. I hadn't had them in months because the health system in the country I was in had collapsed. So that was my objection, that there was not the level of health care that we would have in hospitals.

35

Q. So you raised those concerns. Eventually you received a call from the nurse manager who directed you to lodge a written complaint, and that is this written complaint?

40

A. Correct.

Q. And you finish that written complaint, as we see there:

45

I want my concerns to be answered by a senior health worker with experience in healthcare. These are genuine concerns as both a human being, and a health professional.

5 A. Correct. I had full expectation that someone would call me. I go on to say about
people should be allowed to self-isolate at home, because once we tested negative to
COVID, you introduce another level of risk, where now you have got all these other
health concerns that I didn't feel were being properly addressed, and the risk of
catching COVID. So hence my explanation there where I say, "Please look at what
Hong Kong is doing." I had hoped that that would make them think of another
system.

10 MR IHLE: I tender that document, Madam Chair.

CHAIR: Exhibit 022.

15 **EXHIBIT #022 - COMPLAINT LODGED ON DHHS WEBSITE BY
MS RATCLIFF**

MR IHLE: Finally, Ms Ratcliff, I understand that you have outlined in paragraph 89
of your statement that upon submitting that complaint you received an automated
20 reply from the Department's Feedback Management System.

A. Yes.

25 Q. And you got that on the same day that you submitted the complaint, 18 May
2020?

A. Correct.

30 Q. It is now 21 August, three months later. Have you had any further
communication from the Department or any response to that complaint?

35 A. No, I have not. And I have racked my brain since I was in hotel quarantine to ask
how I could escalate this. I was a returned traveller in that setting, I wasn't a health
professional. Had I been a health professional, I would have attempted to escalate it
myself. I don't know --- as you can imagine, I'm not saying this after the fact, I said
this while I was in quarantine. I didn't even know if possibly it would impact my
stay in quarantine. I did feel concerned for my kids. I thought, "Why am I doing
this? It's maybe upsetting the kids a little bit." But it was just so compelling to speak
40 out about --- that the standards weren't the same as what I was used to, and I felt that
the systems were lacking, because of my experience in public health, the checks and
balances, and I just couldn't help but say something.

45 I don't know how someone with dementia is supposed to cope in a room that is
completely unfamiliar to them and social distance and things like that. I mean, there
were quite a few people --- I read in that paperwork that said that people with
disabilities weren't exempt. As a physiotherapist, the bed, the shower, the bath, all of
those things aren't suitable for people with disabilities who need aids or special

bedding or pressure care. That is a big thing in a health care setting, that we have time frames that we have to address. There was nothing that made me think that was addressed. And I questioned why then, if this is the setup, why these people who test negative, when you have got those three issues of mental health, infection control and high-risk patients, why they weren't then allowed to go home, which is what I wrote in that. It would have been lower risk. I understand the need for quarantine but quarantine itself creates some risks and you have to manage those. And that's what I felt, none of that was happening to the standard that I was accustomed to, or certainly that I would have advocated for.

Q. Ms Ratcliff, that covers the questions that I have for you. Madam Chair, I'm not aware of any party that has communicated to me in advance of Ms Ratcliff's evidence, and I'm not sure if there are matters that have arisen as a result of her evidence today.

MS SIEMENSA: Madam Chair, I seek leave just to clarify a date and a time of an incident that has been referred to in the witness's evidence this morning.

CHAIR: Yes, I'll give you that leave, Ms Siemensma.

MS SIEMENSA: Thank you.

CROSS-EXAMINATION BY MS SIEMENSMA

MS SIEMENSA: Good morning, Ms Ratcliff. I am counsel for Your Nursing Agency, a provider of nurses. I see in paragraph 38 you talk about being tested on your third day of quarantine. I was unsure as to whether you counted the night of your arrival as day 1, so I just wanted to pin down with you whether you were talking about being tested on 8 or 9 May.

A. It was the Saturday. I thought that I had adhered to the dating system they gave us in there. It was Saturday 9 May.

Q. And do you have a recollection as to what time of the day you were tested?

A. It was in the morning. But I don't know any more than that.

MS SIEMENSA: Thank you. I have no further questions.

CHAIR: Thank you.

It doesn't look as if there's anyone else indicating that they have any further questions for Ms Ratcliff. On that basis, Ms Ratcliff, I thank you for your attendance at the Inquiry and now excuse you.

A. Thank you, Madam Chair. Thank you, Mr Ihle.

THE WITNESS WITHDREW

5

MR IHLE: Madam Chair, I have just been asked if we can have a very short break before the next witness. The next witness is Mr Luke Ashford, who is one of the authorised officers. I think five minutes is all that is necessary.

10

CHAIR: We will take a five-minute break whilst the next witness is being prepared. Thank you.

MR IHLE: As the Board pleases.

15

ADJOURNED

[12.22 PM]

20

RESUMED

[12.27 PM]

CHAIR: I understand we have Mr Ashford with us and we are ready to proceed.

25

MR IHLE: Thank you, Madam Chair.

CHAIR: Mr Ashford, I presume that you can both hear me and see me?

MR ASHFORD: I can, Madam Chair, that's correct.

30

CHAIR: I understand that you have been advised that you are going to be taken through the affirmation by my associate?

MR ASHFORD: Correct.

35

CHAIR: I will hand you over to my associate now.

LUKE ASHFORD, AFFIRMED

40

CHAIR: Thanks, Mr Ashford. I'll hand you over to Mr Ihle now.

MR IHLE: Thank you, Madam Chair.

45

EXAMINATION BY MR IHLE

MR IHLE: Mr Ashford, your full name is Luke Ashford?

5 A. Correct.

Q. And you are a ranger team leader with Parks Victoria?

10 A. That's correct, yes.

Q. And I think yesterday, in a brief opening, I referred to you as having been a professional soldier in the past. It's been brought to my attention that you were in fact a member of the Navy, is that right, in the past?

15 A. That is correct.

Q. It had been reported that you were a firefighter in the past, but in fact your firefighting duties are current with Forest Fire Management in Victoria; is that right?

20 A. Yes, that's correct.

Q. You have provided a statement to the Inquiry; is that right?

25 A. That's correct, yes.

Q. That is an eight-page statement dated 15 August 2020?

A. Yes, that's correct.

30 Q. And there are 50 substantive paragraphs in that statement?

A. Yes.

35 Q. Are the contents of that statement truthful?

A. Yes.

Q. And are the contents of that statement correct?

40 A. Yes.

MR IHLE: Thank you. I tender that statement, Madam Chair.

45 CHAIR: Exhibit 023.

EXHIBIT #023 - STATEMENT OF LUKE ASHFORD

MR IHLE: If the Board pleases.

5 Mr Ashford, we have just covered a little bit about your current role as a ranger team leader with Parks Victoria and your role with Forest Fire Management Victoria. Just finishing off on the past history, you spent 12 years in the Navy; is that right?

A. Yes, give or take a few months, that's correct, yes.

10

Q. In your current role as a ranger team leader, you have specialist training in client interaction and defensive tactics?

A. Yes, that's correct as well.

15

Q. And specialist training in the use of operational defensive safety equipment?

A. Yes.

20

Q. Which includes the use of OC spray, that is, oleoresin capsicum spray?

A. Yes.

25

Q. The use of batons and handcuffs?

A. Yes, correct.

30

Q. And that's training that you have all had in your role as a ranger team leader with Parks Victoria?

A. Yes, I have, yes.

35

Q. I want to ask you about your involvement in the Hotel Quarantine Program. That was not in your capacity as an employee of Parks Victoria, was it?

A. No, that was not.

40

Q. Just going back to that, how did you first become involved in the Hotel Quarantine Program?

A. Initially, as the statement states, about 15 April there was an internal email come through our critical incident management team at Parks Victoria requesting assistance in the government's COVID response. That was specifically authorised officer personnel. So I, yes, put my name up and we went from there.

45

Q. You describe in paragraph 5 that around that time there was a lot of information -- - misinformation about the role that AOs would be performing.

A. Yes, that's correct. Look, it was quite hard to get any sort of formal idea of what we would be doing in regards to the seconding and the working with DHHS. Obviously there was the authorisation in regards to the *Public Health and Safety Act*.
5 But what the role entailed, it was a bit of a guessing game at the time. Whether or not that information even existed at the time, I'm not sure. However, it was, yes, quite hard to sort of get a definitive answer in regards to that.

10 Q. Through that period, I understand the internal email went out on 15 April and some time thereafter you put your hand up.

A. Yes.

15 Q. You received a letter of offer from the Department on 28 April. Was that period of misinformation confined to that period, 15 April to 28 April, or did it go beyond that?

20 A. It was probably confined to that mainly, given the letter of offer was dated 28 April. I still didn't commence with the Department until after about four weeks after that letter of offer came through. The date exactly escapes me. But yes, it was mainly confined to that period. And it didn't get any clearer after the letter of offer, to be honest, either.

25 Q. You say in paragraph 5, when talking about the misinformation, you say:

The general idea at the time was that we would be assisting Victoria Police to conduct door knocks and spot checks at homes

30 A. Yes, yes, that's correct. That was something that a few colleagues and myself at my office, we sort of thought that would be the case. I reached out to a few other colleagues within PV and asked if they sort of knew anything either but that information didn't exist and we could only assume. From memory, at the time it was still --- you were still required to isolate or quarantine at home so I thought that might have been the major role we sort of played in regards to that.

35

Q. You didn't receive any information to contradict that impression that you had?

A. No, not from memory, no.

40 Q. I want to take you to the time of your first shift. You have identified that it was some time after 28 April. In your statement, paragraph 11, you nominate the date 25 May 2020 was your first shift, and that was at the Pan Pacific Hotel?

45 A. That's correct, yes.

Q. At the time that you were heading to work on that first shift as a DHHS seconded authorised officer, did you have any idea what you would be required to do as an

authorised officer?

5 A. No, not formally, no. I had my own sort of beliefs and obviously we knew we were going to be working at a hotel because that's where the shift was, however what my role or my requirements in regards to that shift would be, I was not fully aware, no.

Q. Did you know within the hotel where you were meant to go?

10 A. No.

Q. And did anyone at the hotel instruct you how the whole Hotel Quarantine Program was going to work and your role within it?

15 A. Not the whole program, no. There was a brief handover given at the change of shift, which I believe was the standard practice between AOs at the time. However, as my first shift, there was no extra sort of induction or any sort of information provided other than a standard handover at the time.

20 Q. Had you received any specialist training in respect of performing authorised officer duties for DHHS?

25 A. No. Prior to commencing I did some training online in regards to using the COVID-19 app, which was the Department's sort of data capture tool. I did about an hour of training on that and also some standard employee equity and diversity training whilst working with the Department as well. But other than that, no, there was no other training.

30 Q. I want to break that down for a moment. The COVID-19 app that you just referred to, was that an app that you used as an authorised officer?

A. That's correct, yes.

35 Q. How did you access that app?

40 A. A myriad of ways. There was an AO or an authorised officer Department-provided laptop at most of the hotels, if not all. Also you could access it via the authorised officer phone or mobile phone that was also provided by the Department. However, I found my own work iPad worked better so I utilised that one that I brought across with me from my current position.

Q. So you were able to load this app on to devices that were not Department of Health and Human Services devices?

45 A. Yes.

Q. And as far as the information that was contained within that app, in respect of

people that were in quarantine detention, did it provide their name?

A. It did, yes.

5 Q. Did it provide where they were located?

A. Within the hotel, yes.

Q. So both the name of the hotel and the specific room?

10

A. Correct, yes.

Q. Did it provide the date that they entered into hotel quarantine?

15 A. It was --- it had that function, however not always, because sometimes I don't feel the data was inputted correctly. But it certainly had that function, yes.

Q. Did it also log when anyone had an exemption or a leave permit?

20 A. Again, it had that function. However, it wasn't always attached inside that data capture in the app.

Q. As far as you are aware, who had access to this app?

25 A. The authorised officers. Apart from that, I wouldn't be able to say, but certainly authorised officers that had the technology and the log-in details. I did one shift with an AO that did not have access because his IT wasn't working correctly. But other than that, all I am aware of is that the AOs had access.

30 Q. Once you accessed the app and you can log into the app, can you look at the details for anyone who is in the quarantine program?

A. Yes, yes, that's correct.

35 Q. They are immediately accessible through the app?

A. Yes.

Q. To all the AOs?

40

A. Yes.

Q. So you said that there was an online training session in relation to the use of the app?

45

A. That's correct, yes.

Q. And you also had a one-hour session in relation to equity and diversity?

A. Yes, that's the --- yes.

5 Q. Did either the online session with the app or the training on equity and diversity tell you what your role was as an authorised officer?

A. No, not to my memory, no.

10 Q. Did you have any training on infection control?

A. No.

15 Q. Did you have any previous experience or knowledge about infection control by reason of your employment with Parks Victoria or any of the other roles that you perform professionally?

A. No, no.

20 Q. Did you have any training on the use of personal protective equipment?

A. No.

25 Q. Did you use personal protective equipment when you were an authorised officer?

A. I did, yes.

Q. How did you know what to use and when to use it?

30 A. I sort of took it off my own --- sort of intuition, I guess. Asked a few questions of others as well. However, I, yes, just sort of did the best I thought I could do. And when I had to wear it. There were certainly, in the administrative side of the hotels, known as the green zone, you didn't --- and there was signage up around not wearing sort of used PPE inside there. But other than that, for me it was, yes, just my own
35 personal need and ideas of when I should use it.

Q. You say at paragraph 17 of your statement:

40 *I know that when new arrival intakes came to the hotel there would often be Department staff not wearing masks*

A. Yes, that's correct. That was on one occasion, I can remember that pretty clearly, yes.

45 Q. So going back to your first shift, you have learnt online how to use the app, you have had an hour in equity and diversity training, you have attended the hotel not knowing where to go in the hotel and you are then given a 10-minute handover. Is

that a fair summation?

A. Yes, yes.

5 Q. What were you told as a result of that handover would be your function and role?

A. Look, from memory, it was --- and subsequent handovers were pretty similar --- it was mainly about the fact that the walk list had been completed and there was also a bit of sort of data entry to do into the app. Other than that, it would escape my
10 memory if I was to say anything else that was talked about.

Q. Were you given any documents or instructions as to your function and role?

A. Not given to me personally. I was certainly aware, after sitting down and looking
15 through the sort of work station desk area where we were stationed there that there was a draft procedure for the AOs in regards to the quarantine and the hotel work. But no, I was never formally handed anything or needed to acknowledge anything in regards to that.

20 Q. You have described it as a draft procedure. What makes you say it was a draft?

A. I'm not sure what you call it, the shadow "Draft" written over the document with regards to the document.

25 Q. Like a watermark over the page?

A. Yes, that's the one, watermark.

Q. Okay, and it says "Draft"?
30

A. Yes, from memory, and also on the front it stated that it was a draft and had a date on it as well, but I wouldn't be able to tell you what that date was.

Q. This was the document that was provided to you at the AO work desk or work
35 station?

A. Yes.

Q. By being left there on your first shift, which was 25 May?
40

A. That's correct. Yes, correct, 25 May.

Q. You have described in your statement this draft document, that it was a procedure document drafted in very broad terms, at paragraph 14.
45

A. Yes.

Q. "There was really no level of detail so as to provide instruction on how I should perform my role (or with regard to how Program operated) or even what my role was."

5 A. Yes, that's my belief, yes.

Q. At this stage, after you had looked at the draft document, you have had that training that you have detailed to the Board, 10-minute handover in respect of the walk list and the like, and a draft document of the description that we have just gone
10 through?

A. Yes, that's correct.

Q. And is that all the information you had at that stage about what your role would
15 be as an authorised officer?

A. Yes, yes.

Q. You go on in paragraph 15 to talk about that draft document being "constantly
20 revised and updated".

A. Yes, that's correct.

Q. Can you talk us through how that would happen and how frequently that was
25 happening?

A. Yes, sure. The frequency I wouldn't be overly sure and from memory there may have been three to four sort of draft updates in my time with the Department. It would generally be emailed out from one of the Department commanders, whoever
30 was on that week, however their roster worked. I can't recall. However, it would be attached to an email that would get sent out to all the AOs and then if we had access to a printer that could print it all off properly, we would print it off and store it at our work station.

Q. You say that the emails would come through from a department commander. You
35 were required to implement the changes straightaway and it was like, "Here's the procedure, have a read and away you go"?

A. Yes, that's how it felt, yes.
40

Q. Was there ever any additional training in relation to the update procedures or policies?

A. No training, no.
45

Q. Just, "Here's the document"?

A. "Here it is." Towards the end it was quite hard to even determine what had changed within that. I say that in the statement, I believe, that towards the end it was quite a long document. But it did take some time to sit down and read through it and understand the changes, and what that meant.

5

Q. Just moving on to a slightly different topic, you worked as an authorised officer -- - if we look at 25 May as your first shift --- it was around 18 June that you resigned; is that right?

10 A. Yes.

Q. So in that, what, just under four-week period, is it, how many shifts did you work as an authorised officer? Was it a couple of times a week, every day, what was it?

15 A. Five --- you do five shifts on and then have two days off and then five shifts on, two days off. So, yes, that's what, 10, 15 shifts, maybe up to 20, perhaps.

Q. Between 15 and 20 shifts in that three-and-a-half to four-week period?

20 A. Correct, yes.

Q. And in those shifts you have detailed in your statement, you actually worked at seven different hotels.

25 A. Yes, that's correct.

Q. And you have described in your statement at paragraph 7 that "every hotel delivered the Program differently".

30 A. Yes, that's correct. Yes.

Q. "There did not seem to be a consistent way that things were done, or even consistency in what needed to be done."

35 A. Yes, that's correct as well, yes.

Q. And insofar as your role as an authorised officer was concerned, was there consistency at least in that bit?

40 A. I would say no, there wasn't. And certainly the way --- and the task of the authorised officer from each hotel seemed to be somewhat different. Relatively the same, however when it came to certainly walk lists, temporary leave arrangements for compassionate leave, or the forms filled out for walk lists, that certainly was very inconsistent throughout most hotels I worked in.

45

Q. So how did you learn when you were attending a new hotel for the first time what the system was there?

5 A. You sort of figured that out in the handover, with the off-going AO. And look, from my memory and my feelings, it was certainly a common theme in the handovers that, oh, well, it's done differently at this hotel or that hotel, as opposed to how we were doing it during that handover period.

Q. How did that impact the complexity or the ease with which you did the job?

10 A. I'm not sure it increased the complexity as much. It more probably decreased the service we provided to the detainees and to the people in quarantine, because you spent a lot of time doubling up on phone calls to organise walks or trying to figure out who had been for one, who is a priority and who's not a priority. So for me it didn't increase the complexity so much. It certainly increased the frustration you had, trying to figure out the best way to do it. But probably more affected the service
15 and the job we provided to the people in quarantine.

Q. You just referred to temporary leave permits and compassionate leave.

20 A. Yes.

Q. What's your understanding as to who was responsible for approving temporary leave permits and did that change between different hotels?

25 A. In the beginning, my first probably week or two, the temporary leave forms covered off on the fresh air breaks or exercise walks, however it was the same form, just with a different condition box ticked, for the compassionate leave. Early on in my time with the Department it was up to the AO to either approve or not approve that compassionate leave side of things. I think from memory they sort of tightened the restrictions on that and certainly that featured a bit more in the procedure
30 document towards the end. And that's where the AO team leaders had more influence on that compassionate leave side of things.

35 As for the temporary leave for walks, it was purely up to the AO to fill that form out and advise the person or the detainees of their requirements for that walk period. Some hotels would do a temporary leave form covering the whole two-week period for the fresh air breaks, other hotels would only do it every day. So each day you would fill out a new form. And then towards the end, from memory, they --- all the hotels went to daily temporary leave forms.

40 Q. Sounds like a lot of forms.

A. A lot of forms, yes, a lot of paperwork, a lot of hard copies, a lot of doubling up on stuff as well, yes.

45 Q. In your statement, you detail in relation to a specific detainee who was given temporary leave every day from 8.00 am till 5.00 pm.

A. Yes, that's correct. So that was from the Pan Pacific Hotel in my first week. I will say that I did do two or three shifts in a row in the Pan Pacific Hotel in that week, and there was a lady I recall that had temporary leave approved to visit her mother in palliative care and yes, she was leaving almost every day, from memory, at 5 8 o'clock in the morning and being required to be back by about 5 o'clock in the evening, and that was ongoing every day that I can recall, yes.

Q. You say in your statement that her taxi was being paid for her to go and to come back and that there was no way of knowing if she attended the prescribed address or maintaining the conditions of her temporary leave?

A. That's correct, yes. There wasn't --- unless you got Vic Pol involved or as AOs you were to go out to that address and check on those conditions at the time, there was no way, it was purely up to that person, their sort of moral compass, I guess, to do the right thing.

Q. Given the duties that you were doing and the forms that you were filling out, did you have the capacity during the day to go and do a check on whether someone was attending where they were meant to go?

A. No, you wouldn't, no.

Q. You also detail in your statement at paragraph 26 an occasion where you went to a team leader and asked them to perhaps contact Victoria Police and do a spot check because you had concerns that someone was not being truthful about temporary leave.

A. Yes, that's correct.

Q. Can you just tell us about the discussion you had with that team leader and what the result of that was?

A. Yes. So I had a rather heated and verbally aggressive from the detainee's point of view discussion with her around her temporary leave. There were some communication errors in the previous shift with the AO that was on. I was purely trying to get her back in time, as per her leave permit. Her story changed quite a bit around the location of where she was going, time frames. She got quite aggressive, and in my head, in my experience, she wasn't being overly honest with me. I raised this concern with the team leader, the AO team leader on at the time, for that shift, and said that I feel we need to send Vic Pol to this nominated address on the leave form, and it was stated, no, Vic Pol won't want to do that for us.

Q. Coming back to the detainee who you said was given a leave permit to visit her mother in respite every day or almost every day, was that something that was authorised prior to your commencement at the Pan Pacific Hotel or were you involved in authorising it?

A. I certainly wasn't involved in authorising it initially or subsequently after that. From memory, that was one of the forms that was approved for that two-week period, but I couldn't concrete --- 100 per cent say that was the case, but from memory, I think that's what it was, yes.

5

Q. I want to turn now to the circumstances of you leaving the Hotel Quarantine Program.

I'm just mindful of the time, Madam Chair. I have probably got about 10 more minutes. If it's convenient, I can deal with it before lunch.

10

CHAIR: Let's keep going, Mr Ihle.

MR IHLE: Thank you, Madam Chair.

15

CHAIR: Are you okay to keep on going, Mr Ashford?

A. Absolutely, yes, Madam Chair.

MR IHLE: In paragraph 43 of your statement you detail that throughout your secondment you were actually staying and socialising with a colleague who was another authorised officer?

20

A. Yes, that's correct.

25

Q. And that was a colleague who was working at the Stamford Hotel?

A. Yes, he did do a shift and was deemed a close contact, yes, when that outbreak occurred.

30

Q. So that's what I wanted to ask you. An outbreak occurred at the Stamford Hotel and he was deemed as a close contact and he had to go into quarantine himself for 14 days; is that right?

A. Yes, that's correct.

35

Q. And he told you that?

A. Yes. So that --- that morning, we had sort of got our shifts coordinated because we both live in the same area in Victoria, so we would travel to and from the city together. So it was deemed to be our last shift of that roster, so we were logistically trying to sort out what we were going to do that morning to be able to get a vehicle and stuff and he messaged me that morning at about 5.30 to say he had been sent a letter to say he needed to self-quarantine due to the fact he was deemed a close contact for the Stamford Hotel. That's how that worked. I'm not sure what the rest of the question was there.

40
45

Q. That's all right. I was just trying to ask you about those circumstances. So you were told by a text message at 5.30 that morning. Is that morning 17 or 18 June?

5 A. There or thereabouts, yes. It was the morning of my last shift.

Q. Okay. So he told you that he had been considered a close contact. Is he someone you had been in contact with in the days before that?

10 A. Yes, absolutely. If he had have been a positive case, I would have then been deemed a close contact by the guidelines, yes.

Q. You say in your statement that this information being brought to your attention by your colleague, that you asked the Department --- by the Department I assume you mean DHHS?

15 A. Yes.

Q. --- AO team leader that was rostered for your shift what procedure would then apply to you?

20 A. Yes, I contacted her, maybe approximately 6.00 am that morning. The shift was due to start at 7.00. I spoke to her over the phone to ask what was the procedure in regards to this and explained the scenario we just spoke about, the fact that my colleague and I had been socialising and somewhat deemed to be close contacts with
25 each other. The answer --- I don't think it's a fault of hers, but the answer is she didn't know what the procedure was and that she would find out. To that note, she called me back approximately 10 minutes after that first initial call and told me that I just need to go by what the website said. And in my head that wasn't satisfactory, given I wanted my employer, as in the department, the DHHS, to inform me through
30 my line management about what they wanted me to do. She noted that and understood. And then got back to me a further 10 or 15 minutes later and just stated that I was to attend my shift as per the roster.

Q. So that at stage, insofar as your colleague was concerned, you knew that he had
35 been considered a close contact?

A. Correct.

Q. Do you know whether he had been tested at that stage?

40 A. He hadn't been tested. He was tested that day, subsequently, yes.

Q. When you went to work you didn't know whether he was positive or not?

45 A. That's correct.

Q. Did you go to work that day?

A. I did, yes, attended my shift at 7 o'clock at the Mercure Welcome on Little Bourke.

5 Q. As an AO, had the issue about there being an outbreak at the Stamford been publicised amongst you?

A. No, not at that time it hadn't, no.

10 Q. Tell us what happened on that shift.

A. So I arrived at the Mercure Welcome that day or that morning at 7 o'clock. The Mercure Welcome and the Pullman hotels are separate hotels, however they share the same basement and administrative facilities. As for the quarantine staff, the Pullman had their staff and the Mercure Welcome had their own staff as well. That day I ---
15 from memory, the Pullman didn't have an AO on for some reason and I feel, from memory, it was because they were deemed a close contact from the Stamford as well, so I was covering the Pullman and the Mercure Welcome. The Mercure Welcome at the time, at the start of the shift, didn't have any people in quarantine in the hotel.
20 There was an intake that day. From memory, I can't recall the time, it was meant to kick off, I think it was about 9 o'clock in the morning.

That morning I had a new DHHS team leader was on that shift and she openly said that she hadn't done an intake before so her and I worked pretty close together in sort
25 of me telling her how things should run and what we need to look out for and what we need to get set up. Prior to the intake commencing, that team leader on the day got everyone together for a brief and when I say everyone I mean the hotel staff, management, security management, DNATA staff, medical staff, nurses, and mental health, and myself together to go over how things were meant to run. Sorry, I should
30 say the DJPR representative as well. Once we conducted that brief, I took it off my own bat to sort of mention that there had been a confirmed outbreak at the Stamford Hotel. I didn't go into too much detail because I didn't know it myself. However, I just reiterated the need for everyone to really focus on PPE, hygiene and just taking our time and maintaining social distance as best we could throughout that intake, as
35 I put two and two together and realised that this intake was coming from the same airport origin as the Stamford Hotel one had come from, in my knowledge.

Q. You say in your statement at paragraph 46, in relation to this briefing, that Department staff, DNATA staff, nurses, hotel management, security, the lot,
40 everyone who was on duty was involved in the briefing?

A. Yes.

Q. You go on to say, "There was no way we would've been meeting social distancing requirements" because of the confined area in the foyer there?
45

A. Yes, that's correct. So the Mercure Welcome had quite a small --- it was an older

hotel, it had quite a small lobby or foyer where we would conduct the check-ins. And just given the sheer amount of people involved from the Department side of things, as in security and hotel staff and DNATA and DJPR and medical, plus the detainees that were coming through, it was really, really quite difficult to maintain
5 that 1.5m and certainly that would have --- that sort of fell by the wayside quite often, from what I saw.

10 Q. You also say in your statement that it wasn't clear who was in charge, that DNATA tried to take the lead and the hotel tried to take the lead?

A. Yes, that's correct. So the process in that hotel was that the buses would pull up out the front, the DNATA staff from memory would go on, explain to the detainees the process from getting off the bus to getting to their room. The detainees would then come in through the hotel, past security and then go to the hotel staff to be
15 checked into the hotel as such and given their room allocation. They would then come from there to DNATA staff again and be given a brief --- I'm not across exactly what they talked about but it was more about dietary requirements, medical needs and more the sort of logistical side of the 14 days that they were going to be there. If they did have medical concerns, a nurse would be provided to have a chat with and
20 take some notes. At that stage I would also gather the Detention Notices so that we could input them into the COVID-19 app and then from there, once they were checked in both by the hotel and by myself or by the AO staff, whoever was on at the time, they would be taken up to their rooms by a combination of DNATA and security.

25 Q. You say at paragraph 47 that there were so many people coming into the hotel --- that's the detainees, I assume?

A. Yes.
30

Q. You say the hotel foyer setup was not fit for purpose?

A. No.

35 Q. And you go on to describe:

*The procedures started to slip with regard to how many people were in
elevators at one time. We also should not have been handling the baggage
40 DNATA staff started doing things that they probably should not do like
handling luggage.*

And then you saw people walking straight through the foyer. Can you explain what happened there?

45 A. Yes. So probably halfway through --- I think from memory the intake was about 150 people, so that's quite a few hours to be out there, and somewhat halfway through that, on four separate occasions I had two security staff sort of wander

through the foyer with, you know, detainees, all sorts of different staff, all in their PPE and they just strolled through without any PPE on. I believe they were coming in to start a shift themselves. So that was two security guards, and the other two, from what I know, were hotel staff doing the same thing, coming in to start a shift, however they didn't have any PPE on at all.

5 Q. Was this the same entrance that detainees were coming in?

10 A. Look, it's --- that's difficult to say. I didn't see them enter the actual building. Where that foyer is, again I mentioned earlier that the Pullman sort of somewhat shares a lot of facilities. So, look, they may have come in through the Pullman and then cut in through the foyer at the Mercure Welcome that way. I do note one security guard did walk through the front door and I did see him come through there. However, the other three I wouldn't be able to say whether or not they entered the front door or no.

15 Q. When they came through the foyer, is this whole intake procedure going on with luggage and passengers and checking them in at the same time?

20 A. Yes, correct.

Q. And they just walked through the middle of it?

25 A. Yes. It was quite obvious what was happening, yes.

Q. Did you do anything about that?

30 A. I challenged all four of the people and each time my challenges probably got a little bit more heated, I guess, because it was concerning to me. And for me it was pretty obvious what was going on. And, you know, given what had happened previously at the other hotels with the outbreaks, that lack of --- whether or not they knew about it, which I'm sure they probably didn't, just the situational awareness sort of really concerned me quite a bit, yes.

35 Q. And did that lead you to take some steps about your ongoing involvement as an authorised officer?

40 A. It certainly did. It certainly made me think about my role with DHHS and how much I want to put myself at risk. At not just myself, it's more my family. From memory, schools had just re-opened and my daughter was going back to school and I didn't want to be the guy that sort of shut my daughter's school down. And given what I saw and the fact that I didn't feel it was being taken seriously enough, that hygiene and that PPE and people just doing the right thing to ensure that we don't sort of get infected by it, I just --- yes, I felt that I didn't want to go on anymore and didn't want to put myself or my family at risk in regards to that.

45 Q. In your statement at paragraph 49 you say:

5 *That was it for me. I did not feel that this was a safe environment to work in and I was concerned for my health and the health of my family. I am used to working in dangerous environments, having worked in firefighting and the military but I could not rely on the system or people around me to keep the environment safe.*

A. Yes, that's correct.

10 Q. Did you convey those sentiments to anyone?

A. I can't recall. In the email I wrote with my concerns to the supervisor that day, I may have. I can't remember. I can't recall, as I don't have access to my Department or DHHS email any more. So yes, I can't recall, sorry.

15

Q. But suffice to say, as you detail in the statement, first of all you sent an email that day to your line supervisor and then on 18 June, whether that's the same day or the next day, you wrote to a specific person at DHHS. At paragraph 42 you say:

20 [I] stated that I was ending my secondment with DHHS immediately due to the department not being able to provide a safe work place.

A. That's correct, yes.

25 Q. Is that your recollection of what you communicated?

A. Yes. I believe it was that they are not providing me with, and will not be able to provide me with, a safe work environment.

30 Q. And so did you effectively hand in your resignation?

A. Yes, so that was ---

Q. To be effective straightaway?

35

A. --- that was my last shift I did as an authorised officer with DHHS, yes.

Q. Was there ever any follow-up with you by anyone at DHHS to better understand your concerns?

40

A. Look, there was a phone call from the same person I tendered that email to in regards to me finishing up. She was quite concerned with the situation and sort of understood my reasoning for wanting to leave. But other than that, no, there wasn't. And even that's disappointing, you know. There's lessons to be learnt there and no one sort of tapped into that or sought to understand, you know, why and what went wrong, so to speak.

45

Q. Mr Ashford, that concludes the questions that I have for you. I know that one other interested party, at least one other interested party has some questions for you. But given the time, I will just ask the Chair or the Board whether she will continue. That party, Madam Chair, is Wilson Security, and Messrs Craig and Oldfield have a number of questions that they have conveyed to me. Can I indicate, if the questions are limited to those three areas they have identified, I have no objection to their leave being granted.

CHAIR: Mr Craig, can you give an indication of how long you are likely to be?

MR CRAIG SC: As best as I can estimate, Madam Chair, between five and 10 minutes. No longer than 10.

CHAIR: Is there anyone else other than Mr Craig who has any questions of Mr Ashford?

MS ROBERTSON: If the chairperson pleases, we have got one question we would like to ask.

CHAIR: All right. Anyone else?

That being the case, Mr Ashford, if it's convenient for you, we will keep on going, so that we can finish with you and then excuse you. Are you content for that to be the way in which we proceed now?

A. Yes, Madam Chair, that's not a problem.

CHAIR: Thank you. Perhaps if you only have one matter, Ms Robertson, I'll let you go first.

MS ROBERTSON: Yes.

CROSS-EXAMINATION BY MS ROBERTSON

MS ROBERTSON: Mr Ashford, you will recall that you said that your colleague had worked shifts at the Stamford Plaza and he received a letter advising that he was a close contact of someone who had tested COVID-positive. What I just want to ask is whether, when you were told that, you as an authorised officer, or your colleague, to the extent that you have knowledge about his information, had been made aware of any earlier outbreaks of COVID-19 at the Stamford Plaza?

A. No.

MS ROBERTSON: Thank you. No further questions.

CHAIR: Thank you. Mr Craig.

MR CRAIG SC: Thank you, Madam Chair.

5

CROSS-EXAMINATION BY MR CRAIG SC

10 MR CRAIG SC: Mr Ashford, in answer to Mr Ihle's questions, you identified that you had performed between 15 and 20 shifts across the 23-day period at seven hotels. In the course of those shifts, who did you observe was in charge of quarantine on site?

15 A. I wouldn't be able to say. There was never anyone formally identified as being in charge of the quarantine. Yes, I couldn't answer that question, sorry.

20 Q. Am I right to understand that if you had been in charge on your shift, that is, if you had been in charge of the quarantine on the site, for example, the small meeting that you referred to at paragraph 46 of your statement would not have occurred?

25 A. The briefing in the morning? No, it definitely would have occurred if I was in charge, it would have most definitely gone ahead as well. That briefing in the morning was certainly pushed by myself to the DHHS supervisor as a good idea and something I thought we definitely needed to do.

30 Q. And so --- perhaps I was a little bit unclear in my question. If you were in charge on the site in respect of that briefing, for example, would you have allowed it to have occurred in the confined space you referred to in paragraph 46 of your statement?

35 A. I --- well, I'm only hypo --- that's just guessing. I can't really answer that question. In hindsight, probably not. However, given I think with a bit more management and not so much emphasis on getting people through, it could have been a much better controlled event where the site may have then been suitable. But that wasn't --- that wasn't the case on that day.

40 Q. Thank you. You have obviously just given evidence that in each of the occasions which you attended hotels to perform shifts as an authorised officer, that you were unable to or are now unable to identify who was in charge. Did you at least understand that the role of the security on site was to support you in the performance of your duties as an authorised officer?

45 A. My understanding --- well, broadly speaking, yes. However, the interaction we had with security at times was minimal to nil. Whereas at other hotels, with other security groups, the interaction was really quite a bit more and quite a good working relationship. But I can't say that's the case for every hotel I worked in.

Q. You refer at paragraphs 14 and 15 to the draft procedure documents. Do you

recall giving evidence to a question from Mr Ihle about the draft water mark on the document?

5 A. From memory, there was a draft water mark, yes.

Q. You say there was no level of detail in the documents but they were constantly updated. Do you recall that evidence?

10 A. I do recall that, yes.

Q. What do you recall was actually contained in the documents, as to directions provided to you? What do you remember was in them?

15 A. That's a good question. There was --- look, some level of detail around the requirements for temporary leave, the requirements for the fresh air breaks, walk, exercise, whatever we want to call it. There was --- later on in the piece there was probably more detail about the restrictions on the temporary leave. But look, other than that, without going back and reading it, I can't recall much more than that, to be honest.

20 Q. Do you recall any information being provided on chain of command at the hotel; that is who you should report to?

25 A. I can't recall it. It was my understanding that we just reported to our AO supervisor, whoever was on for that shift. But I can't recall whether that was documented in the procedure or not. But certainly my experience was in my head that was the next level you go to.

30 Q. Mr Ihle asked a number of questions which identified the training and experience which allowed you to become an authorised officer for Parks Victoria. Do you remember that at the start of your evidence?

A. I do, yes.

35 Q. You then gave evidence that you had no training or background in infection control or PPE. Do you remember giving that evidence?

A. Yes, that's correct.

40 Q. And so I take it you would accept that you did not have the requisite training and experience to act as an authorised officer at a quarantine hotel exercising public health risk functions?

45 A. I would probably say that's somewhat correct, yes, in regards to the legislation and in regards to not being a public health authorised officer normally, then yes, that would be correct.

Q. I want to now ask a little bit about the incident on the last day of your time as an authorised officer at the Mercure, when you have identified that security staff walked through the front entrance without PPE on.

5 A. One did, yes. The others, I'm not sure how they entered. But yes.

Q. Are you aware that the hotel management at the Mercure had designated the front area as a green zone?

10 A. No, I wasn't aware of that.

Q. As a green zone, that would actually mean you can't wear PPE; is that correct?

15 A. In the definition of a green zone, that would be correct, yes.

Q. And so had you known that, that's something I presume you would have challenged?

20 A. Well, it doesn't make any sense, does it, to have a green zone and that's where all the detainees are getting checked in. So that would be correct, yes.

Q. You also gave evidence that the staff member who you observed was arriving for work?

25 A. From what I believe, yes. Yes.

Q. And the PPE was contained in the security room, wasn't it?

30 A. I'm not sure where the PPE for security was kept.

Q. On the assumption it's inside the hotel, am I right to understand that the only way the staff could actually access the PPE was to move through the designated green zone to the security room?

35 A. Yes, I guess that's the case, yes.

40 Q. I think, am I right to understand that in respect of the staff that you are not sure where they came from, because of the way the Pullman and the Mercure are set up, it's possible at least, isn't it, that the staff would have entered the building without being able to see the passengers arriving at that time, because of the mode of entry into the hotel?

45 A. Yes, certainly entered the building, yes, but it would have been quite obvious when entering the foyer or the lobby of the Mercure Welcome what was going on.

MR CRAIG SC: Thank you. No further questions, Madam Chair. Thank you very much.

Thank you, Mr Ashford.

CHAIR: Thank you, Mr Craig. Anything arising for you, Mr Ihle?

5

MR IHLE: Nothing for me, Madam Chair.

CHAIR: Thank you, Mr Ashford, thank you for your attendance. You are now excused.

10

A. Thank you, Madam Chair, thank you, counsel.

MR IHLE: Thank you, Mr Ashford.

15

THE WITNESS WITHDREW

20

MR IHLE: There is one more witness for the day. He has been scheduled to give evidence at 2 o'clock. He's a witness referred to as Security 1. He is a witness over whom the Board has made non-publication orders, and Security 1 will be giving evidence via audio only as well. I am in the Board's hands as to what time we resume.

25

CHAIR: Given that the witness has been arranged for 2.00, I don't want to interfere with those arrangements, Mr Ihle, so we will resume at 2.00.

MR IHLE: As the Board pleases.

30

ADJOURNED

[1.20 PM]

35

RESUMED

[2.00 PM]

CHAIR: Yes, Mr Ihle.

40

MR IHLE: I call the next witness, known as Security 1. As I previously indicated, the witness will be giving evidence by audio only and the Board has made orders in respect of not publicising any information that would tend to identify him, including his image.

45

CHAIR: Thank you, Mr Ihle.

Sir, are you able to hear me?

SECURITY 1: I am, thank you.

CHAIR: I'm sure someone has explained to you that for the purposes of giving your
evidence you will need to take the affirmation and for that purpose I will ask my
5 associate to do that now.

SECURITY 1: Okay.

10 **SECURITY 1, AFFIRMED**

CHAIR: Thank you, sir. I will hand you back to Mr Ihle now.

15 MR IHLE: Thank you, Madam Chair.

EXAMINATION BY MR IHLE

20 MR IHLE: Sir, can you hear me?

A. I can.

25 Q. Thank you. You have provided a statement to the Inquiry; is that so?

A. That's correct.

30 Q. That's the statement which is six pages long?

A. Correct.

Q. And it has 47 paragraphs of substance?

35 A. Yes, that's correct.

Q. You have provided a signed copy of that statement to the Inquiry, dated 18
August this year?

40 A. I have.

Q. Do you have a copy of that statement there with you?

A. I do.

45 Q. Are the contents of that statement truthful?

A. They are.

Q. As far as you are aware, are they accurate?

5 A. As far as I'm aware, yes.

MR IHLE: I tender the statement, Madam Chair.

CHAIR: Exhibit 024.

10

EXHIBIT #024 - STATEMENT OF SECURITY 1

15 MR IHLE: I just want to ask you some questions about your statement and ask you to expand on a few matters. Can I just confirm that, as far as your involvement in the Hotel Quarantine Program is concerned, you worked as a security guard.

A. I did.

20

Q. Specifically you worked at the Crowne Plaza between the dates of 9 and 19 April of this year?

A. That's correct.

25

Q. And you subsequently did security guard duties between 28 May and 4 July at the Pullman Hotel, as part of the Hotel Quarantine Program?

A. Correct.

30

Q. Asking you to turn your mind specifically to the work you did at Crowne Plaza, is it right that you were a floor supervisor?

A. That's correct.

35

Q. And when you were at the Pullman Hotel were you also a floor supervisor?

A. I was, yes.

40

Q. Can you just describe for us the role of a floor supervisor?

A. Well, essentially there would be roughly five floor supervisors across a hotel, so generally you were in charge of the guards on two to three floors. You made sure they had adequate PPE, that you would do health checks on them, welfare checks throughout the night, you would relieve them for breaks, make sure they had water and essentially on a regular basis would go on to your floors and ensure they weren't on their phones, they hadn't left their post, they weren't asleep. Just essentially

45

making sure that they adhered to their posts and were performing the role that, you know, they had been employed to.

5 Q. And you yourself hold a licence as a private security guard?

A. That's right.

10 Q. And just in general terms, how long have you held that licence? Is it months, years, decades?

A. It's --- I've held the security licence twice. I have held this one for a bit over two years, and about a decade ago I held one for three years.

15 Q. You detail in your statement that you were engaged by an organisation called Nu Force to provide the duties that you did in the Hotel Quarantine Program.

A. That's correct.

20 Q. And is Nu Force an organisation that has engaged you to provide security services in the past?

25 A. No, not previously. I worked for another security firm. I worked the Grand Prix this year and whilst there --- essentially a major event has --- you've got the main days and there's also bump-in and bump-out, where everything is either assembled or disassembled, and I worked the Grand Prix a couple of weeks during bump-out, and during that time a colleague told me that Nu Force were looking for guards for the quarantine hotels. My firm hadn't picked up any work, so I gave the operations manager at Nu Force a ring.

30 Q. Did he explain to you, through the conversation that you had with him, that Nu Force were engaging guards really on behalf of Wilson Security?

35 A. I can't remember whether he did or not. From memory, I don't think that he said that we would be subcontracted to Wilson. But my recollection isn't clear. So I'm assuming that I found out that the hotels were for Wilson when I arrived but I can't be absolutely sure of that.

40 Q. In any event, at some point of you commencing into the system, you became aware that Wilson were the head contractor and Nu Force were the subcontractor?

A. That's correct.

Q. And your engagement was via Nu Force?

45 A. Yes.

Q. It is your experience, isn't it, that that type of subcontracting arrangement in the

private security industry is indeed quite common?

A. Yes, it is.

5 Q. You are also aware, aren't you, that there are occasions when there will be a head contractor, a subcontractor and indeed sub-subcontractors?

A. That's correct.

10 Q. In your experience is that a common or uncommon occurrence within the private security industry?

15 A. Most of my experience has been large-scale events where there may be need for anything up to a thousand guards. So subcontracting and sub-subcontracting is really the only way many firms will be able to supply an adequate number of guards. So, yes, it's common.

20 Q. You have described that your involvement was via Nu Force. Who did you understand your agreement, that is, whether it was an employment agreement or contract agreement, to be with? Was it with Nu Force, was it with Wilson, was it with someone else?

25 A. I mean, initially my employment contract or, you know, the parameters of my employment were with Nu Force. But once at the hotel, I knew that the guard provision was run and managed by Wilson.

30 Q. Were you in your mind working for Nu Force or were you working for Wilson or were you working for Nu Force on behalf of Wilson or was there some other arrangement?

A. I guess I was working for Nu Force on behalf of Wilson.

Q. When it came to you being paid for the work that you did, who were you paid by?

35 A. Nu Force.

40 Q. You describe in your statement at paragraph 7, at the Crowne Plaza, what I'll use by way of shorthand as essentially a chain of command. There were floor guards, floor supervisors and then shift supervisors?

A. That's correct.

45 Q. Is that essentially a tiered system where the floor guards as, you have described before, actually on the floor; your range of supervision is over three or four of those floors; and then there is a shift supervisor that sits over the floor supervisors?

A. That's correct. And as a floor supervisor, sometimes we were called upon ---

since there wasn't sort of what's known as spares, like if you've got a building or an area or a zone that has a certain number of guards in it, usually there will be a couple of spares, but sometimes, you know, over the course of a shift there would be reason for a guard or a couple of guards to accompany, say, the shift supervisor. If there was not necessarily an incident but if there was a query about one of the patrons, where they needed more than one guard to accompany either the shift supervisor or it might be DHHS or DHHS and nursing staff, the floor supervisors would be called upon if that need arose.

10 Q. You said that in your mind you were engaged by Nu Force to provide services on behalf of Wilson. Did you have any idea about who had engaged the floor guards?

15 A. Not really. I mean, during sign-on or, you know, transition between day and night shifts, I would see occasionally --- like sometimes I would see a list. And I could see on that list, I can't --- besides one called Elite, I can't remember any of the other guard firms. But in signing some guards on for a shift, I would see that there was, you know, a handful of firms, maybe three to five different firms that were working for Wilson.

20 Q. I just want to move to the part of your statement which deals with training and induction. From paragraph 14 onwards you will see that. Do I understand prior to your arrival at the first shift at the Crowne Plaza you hadn't had any specific training or induction for this job, other than your general security training?

25 A. I had with another firm done an online induction on COVID infection control.

Q. Was that a Commonwealth Government online program?

30 A. I think so. It was done through a security firm. But I mean essentially there was a certificate, an online certificate, that proved that you had done the COVID training.

Q. And was that something you were required to do or did you do of your own volition?

35 A. No, it was a requirement for employment.

Q. And that was a requirement with the other firm. Was it also a requirement for the work that you were doing under the auspices of Nu Force?

40 A. I did do one with Nu Force, or with Wilson. I can't remember which one specifically but there was a COVID induction similar to the one that I had done previously, which without it, you know, a guard wouldn't be able to get employment in the hotels from there on.

45 Q. You attended your first shift on 9 April and you arrived half an hour before you were due to start?

A. That's correct.

Q. And in that half an hour you also had some further training at that point?

5 A. That's correct.

Q. And that was specific training, as I understand it, in relation to the use of PPE?

10 A. Correct. And general advice about the proximity of patrons and also other guards, you know, like there would be areas like the sign-on room where there would be a limit to the number of people that could be in the room at one time.

Q. Is it fair to say that you found that training useful, informative and professionally done?

15

A. I did. I did.

Q. When it came to the PPE aspect of the training, specifically they trained you in respect of the use of masks and gloves?

20

A. That's correct, and hand sanitisers and antibacterial wipes.

Q. Can I ask you who was actually conducting that training? Was it a Wilson employee, a Nu Force employee or someone else altogether?

25

A. Well, it would have been --- I'm assuming it was the supervisor, so I'm not sure whether they are with Wilson or Nu Force.

Q. The shift supervisor, the person who --

30

A. Yes.

Q. --- who sits the rung above you on that chain of command we were talking about?

35

A. That's correct.

Q. In respect of the use of PPE, and I note that you said hand sanitiser as well, I think you said there was plenty of hand sanitiser and you were encouraged to use it?

40

A. That's correct.

Q. But on the training, masks and gloves, that training covered how you were to put them on, that's how to put masks on and how to put gloves on?

45

A. Correct.

Q. And also how to take them off?

A. Yes.

Q. And that was new information to you, wasn't it?

5

A. Well, I had never used masks before so being taken through, you know, putting them on and taking them off without contaminating myself, you know, that was new information to me.

10 Q. In respect of the use of gloves, do you recall what you were told about the use of gloves?

15 A. Mainly that --- initially, one of the things that I guess caused a bit of confusion was the fact that the requirements, in terms of infection control and PPE, like, they seemed to change over the course of both hotels. And also there would be different zones. Like at the Crowne Plaza there was only one floor that had any infected patrons so if you were on that floor you were wearing a mask and gloves at all times, there would be plenty of hand sanitiser. But on the clean floors or the clean zones, such as the sign-on room or the areas between the floors, you know, the hotel foyer and other rooms, initially gloves and masks weren't required in those areas. But that
20 seemed to change, you know, the longer it went on.

Q. So is it a fair summary to say that in respect of PPE, the requirements got more
25 onerous the longer the Hotel Quarantine Program went on, as far as you were concerned?

A. Well, it just got more stringent in terms of what you had to do. I mean, towards
30 the end, at the Pullman, you know, we had our temperature checked before coming in, we would have to sign, you know, a piece of paper with our temperature on it and what time we came in. Whereas at the start things like that weren't necessary.

Q. When you say "toward the end", you finished up at the Pullman on 4 July, so are
we talking in that period late June/early July?

35 A. Yes.

Q. Just going back to that original training that you had on that sign-on shift and
40 specifically on gloves, was there any discussion or any instruction about when you should use gloves and when you should not use gloves or when you should stop using gloves?

A. Yes. In the clean zones it wasn't required to use gloves. So there would be --

45 Q. It wasn't required --

A. Sorry?

Q. You go on. I spoke over you. I apologise.

5 A. So during sign-on, which typically, you know, guards would turn up around half an hour before, some of them would be putting gloves on, and they would be advised that, you know, being a green zone, that gloves and masks are not necessary in those areas.

10 Q. Did you subsequently see people coming into those areas after working with the gloves or masks still on?

A. I didn't see anyone signing off still masked or gloved. They would basically dispose of them either on the floors or in bins on their way down.

15 Q. I want to take you to another part of your statement. You say at paragraph 26 you became aware or you are aware that there were a number of guards working across multiple hotels. How did you become aware of that happening?

20 A. Well, it was really --- there were a few guards that I was familiar with when I was working at the Crowne and some of them --- like I would see them coming in on the tram that I was and sometimes they would go to the Crowne and sometimes they would be at the Pan Pacific. And I think after a couple of weeks at the Crowne I was told that only Wilson and/or Nu Force guards from that point on were assigned at the Crowne and I remember seeing a couple of them on the tram a day or so later and I said to them, "Where are you working?" and they said, "At the Pan Pacific." So
25 I knew that there were guards going to multiple locations.

Q. In your statement at paragraph 28 you say that you also became aware of nurses working at multiple locations, including at public hospitals.

30 A. Yes, that's correct. I heard one say that she had shifts at the Austin after being at the Pullman --- or Pullman --- the Pullman Hotel and the Mercure Hotel are essentially adjacent to each other and they sort of share a common area. I guess the kitchen staff do meals for both hotels. And even though the two hotels had sort of separate lift areas, they were in a sort of common area. They were essentially sort of
35 two hotels that were split down the middle. So there was, you know, staff going back and forth between both of those hotels.

40 Q. But you were aware that there were staff going backwards and forwards from other hotels as well?

A. Yes, that's correct.

45 Q. And you say in your statement that you were concerned about the risk of cross-contamination between the hotels because of the movement of those people, being guards and nurses, and also DHHS staff?

A. Yes, that's correct. Considering how ridiculously communicable this virus is,

I just thought that, you know, that was asking for trouble.

5 Q. So when it comes to your understanding in respect of infection control, you have done a couple of online courses and that 30-minute sign-on and that was the extent of the formal education you had had?

A. Up to that point, yes.

10 Q. Even based on that information, you could see that there was a risk in people moving around those hotels?

A. It goes without saying. You know, if you're trying to isolate movement of a virus then, you know, that is not a way to do it.

15 Q. I want to ask you about an aspect of your statement. You say that in your last week at the Pullman, which would have been around the first week of July, at the earliest the last week of June, fresh air breaks stopped altogether?

20 A. That's correct.

Q. When you say fresh air breaks, you're talking about fresh air breaks for the patrons?

25 A. That's correct.

Q. Do you know why they were stopped? Was that ever conveyed to you?

30 A. I understand --- it was just in a conversation, a quick conversation, that it was felt that in order to contain the virus within the hotels, that the potential of the virus moving outside the hotels, particularly with the walking area for the Mercure, which was in Loudon Place, a lane that begins at Little Bourke Street --- that I'm assuming they saw that as a potential risk. And the Pullman had their break area on the rooftop, so I'm assuming someone made a decision about, you know, cross-contamination of surfaces and being, you know, in reasonably close proximity
35 to the public, that they stopped that.

40 Q. Going back to your role as a floor supervisor, you indicated that one of your responsibilities there was to visit the floors over which you were supervising and make sure people were on their post, not asleep, things like that?

A. Yes.

45 Q. You became aware of some people who had been employed at the Crowne Plaza who were moved on because they were not performing their duties sufficiently well?

A. Pretty much. I mean, over the course of a couple of weeks or a month, when you have reasonably regular contacts with guards --- I mean, one of the things that as a

5 floor supervisor was just to keep an eye on, I guess, the professionalism of the guards on your floors and to let the shift supervisor know if --- whether or not you thought someone was coughing, whether when you went on their floor you caught them on their phones or, you know, off their posts. So you would just report that back to the shift supervisor. And from there, you know, other floor guards would occasionally visit those floors as well, just, you know, to confirm or the shift supervisor would go from floor to floor to make sure that everyone was on their post. And so from there, if someone was deemed to be problematic or not doing their job, there would be guards that would be moved off the roster.

10 Q. So they would be offered no more shifts by whoever was rostering them on?

A. That's correct.

15 Q. And you specifically had experience with that, didn't you, because at paragraph 41 you say:

In the beginning there were a few subcontractors who supplied guards at the Crowne Plaza.

20 You had worked with the guards before, you knew they were not the best, you had to keep your eyes on them. Then at paragraph 42 you say:

After a couple of weeks these guards were moved on

25 That's what you are talking about there, isn't it?

30 A. That's correct. I had probably two or three guards that at another firm I had managed those guards as part of a team within a zone and I just found them to be very casual in the way they worked. So those --- I was relieved when those guards were no longer at the Crowne. But, as I said previously, they had just moved over to the Pan Pacific.

35 Q. So you saw those guards that had been effectively let go from the Crowne Plaza on a later date and they were then doing the same job effectively, as far as you were concerned, at the Pan Pacific?

A. That's correct.

40 Q. And you don't know who for, I assume?

A. No, I don't.

45 Q. You detail in your statement at paragraph 46 some observations that you have made as a member of the private security industry, that problems start when you have subcontracting on top of subcontracting and at each level the guards are being paid less and less.

A. That's correct.

5 Q. Going back to what you were saying before, especially in relation to large jobs, that is a common phenomenon in the security industry?

A. Yes, it is.

10 Q. And you detailed concerns that you had about infection control with guards moving from one location to another.

A. Yes.

15 Q. Is another problem that when they are not up to the job, there's no visibility over the fact that they have been let go from one subcontractor and they can pick up effectively the same work with another subcontractor?

20 A. Well, I would have assumed that --- I mean, that may be the case but I would have assumed that the guard I'm thinking of, their subcontractor was initially at the Crowne Plaza and the subcontractor itself has just been moved across to the Pan Pacific. I don't know whether these guards switched firms to work for at the Pan Pacific or that a decision was made that this subcontractor hasn't performed well or that Wilson would prefer Wilson's own guards and/or Nu Force's and they have just, you know --- I don't know whether the guard firm has moved over to the Pan Pacific or the guards themselves have just switched contractors and just got work over there. But it just --- I guess it's the same with anything. The levels that you go down in terms of subcontracting, each level down, a guard, and I guess the subcontracting firm, is going to be paid less than the one at the top. So the potential for getting a lower quality of guard I think increases the further you go down the subcontracting chain.

35 Q. Can I indicate, they are the questions that I have for you. But I know that there are other parties who have questions for you. Madam Chair, I can indicate that I have been contacted by the representatives of Unified Security and I understand Mr Moses has an application to make in respect of questions concerning paragraph 40 of the witness' statement and similarly I have been contacted by Mr Craig on behalf of Wilson Security and he has three lines of questioning concerning paragraphs 16, 41 to 42, and 46 to 47. I would ask Mr Moses in the first instance to make his application.

40

CHAIR: Yes, Mr Moses.

45 MR MOSES SC: Thank you, Commissioner. Commissioner, we seek to cross-examine the witness in respect of paragraph 40. As you will note, Commissioner, the matter covered in paragraph 40 is hearsay. Of course we accept that the Inquiry is not going off half-cocked in relation to its Inquiry by not checking assertions made by the witness with the relevant department. We understand it is

still gathering evidence in respect of its Inquiry. But this issue having been raised, it is incumbent upon us to question this individual about this to ensure that it doesn't go unremarked upon.

5 CHAIR: Yes. I will grant you leave to ask your questions. Mr Moses, you have obviously got your microphone on but you haven't got your camera switched on.

CROSS-EXAMINATION BY MR MOSES SC

10

MR MOSES SC: Can I ask that you go to paragraph 40 of your statement.

A. Yes, I'm there now.

15

Q. Do you have that in front of you?

A. I do.

20 Q. In relation to the statement that you have made that you were "told over the phone by a guard in operations at Nuforce that 'we were undercut', ie; Unified put in a bid for the security work that was cheaper than Wilson's and therefore got the job", who told you that?

25 A. To be honest, I can't remember for sure who told me. There were a number of texts going around, saying, you know, are we --- because we had been at the Crowne for a number of weeks and we were waiting for the next week's rosters, which didn't come through, and I remember contacting Nu Force and basically being told that the shifts had been pulled because another company, which turned out to be Unified,
30 from what I gather, had put in a bid for the Crowne Plaza work that essentially was cheaper than what Wilson had put in and for that reason Wilson had been pulled as a contractor.

35 Q. So you are not aware, are you, that the Department of Jobs, Precincts and Regions took the contract away from Wilson because there were service issues at the Crowne Plaza. Is that what you are saying, sir?

A. No, I was not aware of that.

40 Q. In fact, you have no idea whatsoever as to what the commercial arrangements were between the Department of Jobs, Precincts and Regions and Unified Security for the payment of security services; correct?

A. Of course, correct.

45

Q. And you have no idea what the commercial arrangements were between Wilson Security and the Department of Jobs, Precincts and Regions; correct?

A. That's correct.

5 Q. And you are only stating in paragraph 40 what you believe somebody told you, whose name you now can't recall; correct?

A. That's correct.

10 MR MOSES SC: Thank you. I have no further questions of the witness. Thank you, Commissioner.

CHAIR: Thanks, Mr Moses.

15 Mr Craig.

MR CRAIG SC: Thank you, Madam Chair. The questions I have, as Mr Ihle identified, relate principally to paragraphs 16, 41, 42, 46 and 47. There has been some evidence given which I would like to clarify which relates to other paragraphs as well, including paragraph 14, if you will permit me leave to do that.

20 CHAIR: I will, Mr Craig.

MR CRAIG SC: Thank you.

25 **CROSS-EXAMINATION BY MR CRAIG SC**

MR CRAIG: Sir, can you hear me clearly?

30 A. I can.

Q. I'm conscious that you have already given evidence that the training you received was sufficient and the training given by Wilson was pretty good and you were pleasantly surprised as to the professionalism of the staff. So what I want to address my attention to in this topic is paragraph 16 of your statement.

A. Yes.

40 Q. Your reference to print-outs. Do you have that handy?

A. I do.

45 Q. I would like to bring up, with the aid of the operator, some documents, Madam Chair. Do you have a screen visible to you, sir, that you are able to see documents brought up on the screen?

A. Yes.

Q. The first document is WILS.0001.0003.0096.

5 CHAIR: Is that the document you are after, Mr Craig?

MR CRAIG SC: Yes, thank you, Madam Chair.

Sir, can you see that document?

10

A. I can.

Q. Is this one of the print-outs that was around the hotel at the time?

15 A. I believe so. I have seen that document at the hotels.

MR CRAIG SC: Madam Chair, this document is not yet in evidence. Can I tender the document now?

20 CHAIR: Any objection to that, Mr Ihle?

MR IHLE: No, Madam Chair.

CHAIR: Exhibit 025.

25

EXHIBIT #025 - DOCUMENT WILS.0001.0003.0096

30 MR CRAIG SC: Could the witness be shown document WILS.0001.0003.2137. Could the operator please make the document slightly larger and scroll slowly through the document.

35 Sir, what I'm going to ask you, with the document having been scrolled through slowly, is whether you have seen this document as one of the print-outs as well?

A. I believe so.

40 Q. There are more pages I would like to show you. Do you recognise the pages that follow?

A. I do. Yes, I saw those.

45 Q. If we could go to the second page of those documents, you will see there that Wilson Security has identified that medical advice had been sought and that in line with the risk level identified in that medical advice, PPE was required to be worn in the form of gloves and masks on a mandatory basis, and that eye protection had be

accessible always but not necessarily worn. Do you see that?

A. I do.

5 Q. Below that there is a reference to green zones.

A. Yes, I see that.

10 Q. And that PPE was not to be worn in green zones. Do you see that?

A. I do.

15 Q. So the reason staff didn't wear gloves, for example, in clear areas or green zones was that the actual wearing of the gloves created a risk of contamination, didn't it?

A. That's correct.

Q. And that was your understanding at the time?

20 A. It was.

Q. Can I ask you this: when you go to paragraph 7 of your statement, you talk about the chain of command. You remember Mr Ihle asked you some questions about that.

25 I can say to the operator, the document can come down, thank you, operator.

You talked about the chain of command, as it were, from the floor supervisor to the shift supervisor and then up to someone from the Department of Health and Human Services.

30 A. Yes.

35 Q. In terms of who was in charge of quarantine at the site --- not just the guards themselves but the quarantine at the site --- who did you understand to be in charge?

A. I understood the DHHS to be in charge.

Q. And any DHHS officer by a particular title?

40 A. Authorised officer.

45 Q. Thank you. You gave some evidence about COVID training and induction and your evidence was to the effect that you remembered receiving some prior to arriving for your first day, from either Nu Force or Wilson. Do you remember that evidence?

A. In terms of any induction?

Q. I'm sorry, or training, COVID training, safety training?

A. Online training, yes. And then it was when I first reported for a shift.

5 Q. Then I think in answer to a question posed by Mr Ihle you described the training as being up to that point, that is you had received the training you gave evidence about up to the point of starting?

A. Yes.

10

Q. Which suggested to me you received training after that point as well; is that correct?

15 A. Well, there would be updated guidelines. Across both hotels, it seemed that the guidelines were becoming stricter the further it went on.

Q. And you received training from time to time updating you as to those increasingly strict guidelines?

20 A. That's right. As soon as the restrictions would be escalated, the shift supervisor would go through that with me and also everyone that signed on and was allocated floors. They would, usually in groups of --- if it was one floor that had just signed on, they would get a talk about the changes, and then they would be assigned, they would go to their floors, and then after that the next floor down would get the same, 25 you know, I guess induction.

Q. I take it that's one of the reasons you described the training you received as being sufficient and pretty good?

30 A. Yes. And, you know, the shift supervisors were pretty on the ball, there was always --- I never felt that the advice that the shift supervisors gave us was really lacking in any way in terms of protecting ourselves and, you know, the floors that we were in charge of.

35 Q. Can I now just turn to a matter of administration with you. If you go to paragraph 2 of your statement, I want to suggest to you that your statement has 19 April as being your last day at the Crowne Plaza.

A. I think so, yes.

40

Q. If the evidence discloses that the last day that Wilson had conduct of the site at the Crowne Plaza was 17 April, do you accept that it's more likely that that was your last day?

45 A. I do. I was basically going by my pay slips and the pay slips don't give a day-to-day running of --- essentially they just have the hours over that week. But yes, I definitely agree that if the time they were there was to the 17th, that I would

have been there until then.

Q. Can I ask you to take up paragraph 41 of your statement.

5 A. Yes.

Q. Your first day at Crowne Plaza was 9 April and you have given evidence in paragraph 42 that after a couple of weeks these guards were moved on. Do you see that?

10

A. I do.

Q. And that --- I take it that's two or three weeks?

15 A. I reckon --- from memory, it was around two weeks. It may have been three. But yes, I remember it was roughly two weeks.

Q. But you were only at the Crowne Plaza for 10 days, so it's likely that that's at the outer limit, isn't it? Sorry, you were only at the Crowne Plaza for eight days.

20

A. Well, I was --- I think I did four shifts the first week and four shifts the next week. My recollection may be foggy on that in terms of the days.

Q. Can I suggest to you that the most accurate answer is likely to be that the moving on of the guards to which you were referring might have occurred at the latest by 17 April, being your last date on the site?

25

A. Yes.

30 Q. And then your evidence is that about a week later you saw one of the guards coming in on the tram.

A. That's correct.

35 Q. And so that put it at about 24 April. Do you see that?

A. I do.

Q. 24 April was the last day that Wilson was at the Pan Pacific. Do you accept it's at least possible that that staff member was not being employed by Wilson at the Pan Pacific because the conversation you had with them was after 24 April?

40

A. I do. But I may be a week out. I mean, it may have been the second week that I was at the Crowne that they moved over to the Pan Pacific.

45

Q. Thank you. Now, you gave evidence that there were two to three guards moved on. Do you remember that?

A. Yes.

5 Q. And those guards were moved on, I take it, because someone had identified to the site supervisor that they should be moved on?

A. Well, I imagine that someone would have advised the site supervisor that these guards are not the most professional.

10 Q. And so --

A. I mean, I certainly didn't --- I mean, I wasn't surprised when I found out that they had moved on but I was assuming that they had been moved on for that reason.

15 Q. And so you fully supported and agreed with the decision of the contractor and the subcontractor to remove them from providing continuing services at the Crowne Plaza?

A. That's correct.

20

Q. And in the event that the Inquiry want to actually cross-check or verify the suggestion that one of these staff members was employed at another hotel providing quarantine service, do I take it that you would be prepared to provide the names of those three persons on a confidential basis to the Inquiry?

25

A. Well, there's only --- of those guards, I only remember one name.

Q. I don't want you to say the name. But would you be prepared to provide it?

30 A. No, I won't. But I can --- I can provide it. But the other ones --- when you run teams of guards --- you know, I have run teams of guards probably three, four, five times a year, and sometimes it might be a team of 10, sometimes, you know, it might be a team of 50. There's only one name of those guards that I can remember.

35 Q. Thank you.

A. But I would be willing to provide it.

Q. Thank you very much.

40

Can I ask you now to go back to paragraph 14 of your statement. You were asked some questions by Mr Ihle about the training you received on your first day and you gave evidence about receiving training on the use of PPE equipment and social distancing policies. Do you remember giving that evidence?

45

A. I do.

Q. Having regard to paragraph 14 of your statement, you also received training on the processes for escalating incidents, didn't you?

A. Yes.

5

Q. Could you briefly explain the training you received in respect of that to Madam Chair?

A. Well, essentially our role was to make sure the guards were doing what they are --
10 - it was looking after their welfare and also the welfare of Wilson, by making sure the guards were doing what they are supposed to. So in terms of escalation, I would tell the --- when I would introduce myself to the guards, I would get their mobile numbers and I would --- I would say to them, "If there is anything that you need or
15 you need to contact anyone", in a non-serious event, I guess, if they need to go to the toilet, if they needed to --- they needed water, they were to contact me. If there was anything essentially that would be deemed an incident or a concern that could become an incident, they were to contact their shift supervisor. So if someone came out of their room, if they could smell smoke, if there was a lot of yelling and shouting or arguing going on, if there was noises in the stairwell, if they thought
20 someone had gotten into a stairwell from another floor, they were to escalate it up to the shift supervisor.

Q. So do I take it from that that you had a clear idea of the chain of command to follow in those circumstances?

25

A. That's correct.

Q. Could I ask the witness to be shown again WILS.0001.0003.2137.

30 Sir, what I want to show you is that this document or this series of documents which I showed you earlier are dated March 2020.

Before I go any further, Madam Chair, I should tender that document as well, please.

35 CHAIR: No objection, Mr Ihle?

MR IHLE: No, Madam Chair.

CHAIR: Exhibit 026.

40

MR CRAIG SC: If the operator could keep that document up on the left-hand side of the screen and bring up WILS.0001.0005.6913. What I'm showing you is that there was an updated print-out provided and placed on the walls of the hotels in June 2020. Do you recall seeing the updated print-outs as well?

45

A. I think so. I can't be absolutely sure because, besides the date, they are very similar. But yes, I remember seeing that coloured document in the break room.

MR CRAIG SC: Madam Chair, I tender that document on the left as well, ending 6913.

5 CHAIR: Are you content to have them marked as one exhibit, Mr Craig?

MR CRAIG SC: Yes, thank you, Madam Chair.

10 CHAIR: Both of those documents will form Exhibit 026.

**EXHIBIT #026 - DOCUMENTS WILS.0001.0003.2137 AND
WILS.0001.0005.6913**

15 MR CRAIG SC: One final topic to trouble you with, sir, and it is this: at paragraphs 46 and 47 you talk about the concept of sub-subcontracting.

20 A. That's correct.

Q. Do you agree with me that one of the few mechanisms available to a head contractor to prevent that from happening is to prohibit the subcontractor from subcontracting?

25 A. I would agree with that.

Q. Are you aware of whether or not Nu Force was prohibited from sub-subcontracting?

30 A. I'm not aware, no.

Q. Am I right in saying you have no direct knowledge of any sub-subcontracting occurring in respect of the work at the Crowne Plaza or the Pullman Hotel during the times you worked?

35 A. No direct knowledge.

Q. Thank you.

40 A. I would agree. I mean, I did see names on sheets but beyond that I have --- like I had no direct input or, you know, into how the staffing was done.

45 Q. Yes. Just to be very clear, you have got no direct knowledge you are able to give this Inquiry that there was in fact sub-subcontracting at the Crowne Plaza or the Pullman Hotel at those times?

A. I don't. I mean, those other companies may have been subcontracting to Wilson.

I have no way of knowing.

MR CRAIG SC: Thank you. Madam Chair, no further questions. Thank you, sir.

5 A. No worries.

CHAIR: Thank you, Mr Craig.

Mr McLay.

10

MR McLAY: Thank you, Madam Chair. I seek leave to ask some very few questions about matters that have arisen in Mr Craig's cross-examination.

CHAIR: Yes, go ahead, Mr McLay.

15

CROSS-EXAMINATION BY MR McLAY

20 MR McLAY: Security 1, you will recall you were asked a question by Mr Craig related to your understanding of who was in charge. Do you recall that?

A. I do.

25 Q. And that was in charge of quarantine; is that right?

A. Yes.

30 Q. And you were shown a document which has been tendered, which is Exhibit 25. Perhaps that can be shown by the operator. It ends in 0096, WILS.0001.0003.0096.

Your understanding or your answer to Mr Craig's question of who was in charge, that comes from that document, doesn't it? If you can read the first sentence.

35 A. It does, as well as being told by the shift supervisor who was in charge of the hotel, in terms of quarantine.

MR McLAY: Thank you, sir.

40 No further questions, Madam Chair.

CHAIR: Thank you, Mr McLay. That document can be taken down now, thank you.

45 Mr Ihle, it doesn't appear that anyone else is seeking leave to ask any further questions of this witness. Did you have any matters in re-examination that you wish to raise?

MR IHLE: No, not to put to this witness. There is a matter that arose from Mr Craig's cross-examination but I don't need to hold this witness from being excused any longer and I can deal with that after he has been excused. And I ask that he would be excused now.

5

CHAIR: Sir, thank you for your attendance at the Inquiry, you are now excused.

A. Okay, thank you very much.

10

THE WITNESS WITHDREW

MR IHLE: Madam Chair, just the matter that I referred to a moment ago: the Board will be conscious of the line of questions asked by Senior Counsel on behalf of Wilson in respect of the name or names of the individuals that were moved on. Indeed, the Inquiry would be assisted by that information and we will make those enquiries of the witness just gone.

20 But may I add to that that if Wilson Security is seized of any information as to workers that were working under their auspices that were moved on for unsatisfactory conduct then we would call to Wilson to assist this Inquiry by producing that information.

25 MR CRAIG SC: That information has already been provided by way of a witness statement filed earlier this week.

MR IHLE: Thank you, Mr Craig.

30 CHAIR: Thank you.

MR IHLE: That concludes the evidence for today, Madam Chair. Can I indicate that there is scheduled for Monday an additional three witnesses who have experiences within the Hotel Quarantine Program. The first is a Mr Kaan Ofli, who will be called to give evidence at 10.00 am on Monday. The second is another security guard, referred to as Security 2, and there are extant orders in place in relation to the publication of his name, information that would tend to identify him and his image. He is a security guard that worked at the Pullman Hotel and at what he describes as a COVID hotel during the Hotel Quarantine Program. He will be called at 11.00 am. The third witness is another security guard, who worked at the Marriott Hotel, Novotel and at Rydges on Swanston. There are orders in relation to the identity of that witness and he is referred to as Security Guard or Witness 16.

CHAIR: Thank you, Mr Ihle.

45

MR IHLE: The material in relation to those three witnesses will be made available to the interested parties later this afternoon and consistent with the Practice Direction

I would ask that if any party seeks to cross-examine any of those witnesses, that they make contact with myself via email in the usual way. And I would ask that that be done by no later than 5.00 pm tomorrow afternoon.

5 CHAIR: Thanks, Mr Ihle. If there is nothing further, I will leave the hearing room now and adjourn until 10.00 on Monday.

MR IHLE: As the Board pleases.

10 CHAIR: Thank you.

**HEARING ADJOURNED AT 3.02 PM UNTIL 10.00 AM ON MONDAY,
24 AUGUST 2020**

15

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