

TRANSCRIPT OF PROCEEDINGS

INQUIRY INTO THE COVID-19 HOTEL QUARANTINE PROGRAM

BOARD: THE HONOURABLE JENNIFER COATE AO

DAY 8

10.00 AM, THURSDAY, 27 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 J. DAVIDSON appears for the Chief Commissioner of Victoria Police

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**

HOTEL QUARANTINE PROGRAM INQUIRY 27.08.2020

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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

MR D. BATT QC appears with MS K. O'GORMAN for Crown Melbourne Ltd

MS J. FIRKIN QC appears with MS S. KEATING and MR S. STAFFORD for the Department of Environment, Land, Water and Planning

CHAIR: Good morning, Ms Ellyard.

MS ELLYARD: Good morning, Madam Chair. For this tranche of the hearing I appear with my learned leader, Mr Neal, and with Mr Brnovic to assist you.

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CHAIR: Thank you, Ms Ellyard. I understand there are some new appearances this morning?

MS ELLYARD: There are. May I first invite an appearance on behalf of the Department of Environment, Land, Water and Planning.

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MS FIRKIN QC: If the Board pleases, I appear with Sarah Keating on behalf of the Department.

15 CHAIR: Thank you, Ms Firkin.

MS ELLYARD: Secondly, I understand there is an appearance on behalf of Crown Melbourne. I understood there to be a new appearance to be announced on behalf of Crown Melbourne, but I can't hear anyone speaking, Madam Chair, so we might leave that for the moment.

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CHAIR: I think Ms O'Gorman, who perhaps is the junior to Mr Batt, has previously announced an appearance on behalf of Crown.

25 MS ELLYARD: She has.

Those, as I understand it, are the only new appearances. I will pause for a moment in case I'm in error there, before proceeding.

30 MS DAVIDSON: Madam Chair, it is Joanna Davidson here. I am seeking leave to appear on behalf of Victorian Police.

CHAIR: Yes, Ms Davidson, I did have that application foreshadowed to me just a couple of minutes ago. That application for leave to appear is granted.

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MS DAVIDSON: Thank you.

40 **OPENING STATEMENT BY MS ELLYARD**

MS ELLYARD: Madam Chair, over the coming six days we will be calling evidence from a number of people who played a role in the establishment of the hotel quarantine system and who played roles, then, in its ongoing work. That evidence is going to be called for the purposes of establishing the logistical structure of the program and the work that was involved to set it up and to keep it running. Much of

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that work, as you will hear, was done or overseen by the Department of Jobs, Precincts and Regions, but there were also roles for the Department of Health and Human Services, Emergency Management Victoria, the Department of Transport, Victoria Police and others.

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Before we proceed to the evidence, it is useful to place the evidence that you're going to hear over the coming days in the context of what has already been heard and in the context of what is foreshadowed in future hearings. The Board has already heard that the power to detain that was exercised in the Hotel Quarantine Program was a power exercisable under the *Public Health and Wellbeing Act* and exercisable by the Chief Health Officer and his delegates, and that was a power exercisable in the context of a public health emergency having been declared by the Minister under that Act.

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Evidence will come in later hearings about the way in which the Department of Health and Human Services and others managed what I'll call the health-related aspects of the hotel quarantine system. How the logistics of the system and the detention and health aspects of the system were managed together, and where lines of accountability and responsibility lay, are matters for the Board to consider. We are going to hear in this set of hearings some perspectives on those matters, but other perspectives will be coming in future hearings. So that is what is to come.

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It is also important to reflect on the evidence that the Board heard in the hearings that finished on Monday of this week, which gives an important frame within which we are going to hear evidence about logistics and structure. During that three-day period of evidence, the Board heard from a number of people who had first-hand experience in the quarantine system. Most of their evidence, whether it was in the form of witness statements or their oral evidence, was uncontested. There were some matters that were clarified or that were narrowed but their evidence as a whole provides a basis for the Board to consider and to perhaps test out with some of these witnesses the possibility of there being deficiencies in the areas of welfare, infection control, training, reporting lines and accountability in the way the Hotel Quarantine Program ran.

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You heard evidence from some health professionals, including some who were returned travellers that had themselves infection control or health experience. Their evidence suggested specific inadequacies in the management of infection control and the welfare of those who were detained in quarantine. The concerns they told you about were broad ranging; they included matters relating to the use and sufficiency of personal protective equipment, compliance monitoring, infection control and general logistical practices.

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It was clear from their evidence that the experiences that they had in the hotel quarantine system didn't match their expectations as health professionals of what a health setting should look like, where the goal of the setting was infection control.

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Those are matters that the Board will be reflecting upon and they raise the possibility for findings in those areas.

Evidence was also heard from other returned travellers who told the Board about the experiences that they had had, including experiences which were of concern to them; experiences which suggested inadequacies, as they found it, in the areas of
5 communication, responsiveness, attentiveness to their particular needs, a lack of adequate information about what the quarantine experience would be, and the lack of assistance when they needed it, when they encountered difficulties. It would seem that sometimes they had what one might have thought were very reasonable requests which could not be met.

10 That evidence suggests that whilst there were aspects of the hotel quarantine system which resembled detention facilities, and this was detention, liberty and movement were curtailed, the evidence from some witnesses was that these hotels were not run as ordinary detention facilities and that there was inconsistency in the experiences
15 that people had across different facilities, both with regards to procedures and compliance, and with matters of oversight. Mr Hugh de Kretser gave evidence of the particular relevance of human rights considerations, through his own experience in quarantine with his family, and from his knowledge in the area of human rights.

20 It may well be that in due course the Board will be invited to make some findings about the extent to which the program, as it was established and run, met the appropriate balance between the protection of human rights and the interests which the program was designed to serve.

25 There were also pieces of evidence that you received in the three days that we have just had, about specific issues relating to private security guards; how they were trained, whether they practised social distancing and used PPE appropriately. You heard from the witness, G16, who was himself a security guard, as well as hearing from the perspective of those who observed security guards in action. We will be
30 hearing in the course of this week's evidence from those who worked in the security field.

There was a contrast that might be thought to be made between the way in which some hotels operated and the way in which the witness Security 2 described the
35 COVID hotel operating, a hotel run under a different model by Alfred Health and it would appear from the evidence of Security 2, greater primacy given to questions of infection control. And that balance and the difference in perspectives will be a matter to be considered further, both in this pod and in later pods of evidence.

40 All in all, there is material already before the Board that would suggest that the Hotel Quarantine Program was varied in its delivery. It didn't operate in a standard way across all fields and it didn't always operate so as to meet the needs of those who were working in it or who were living in it.

45 In the light of all of that evidence, what we propose to do over the next six days is to hear the perspectives of those who set up the system and those who were performing duties within it. We are going to begin today with three witnesses who each had a

role in the establishment of the system and in its early days and weeks of running. Tomorrow, we are going to hear from representatives of five of the hotels who hosted quarantined passengers. We are going to hear their perspective on dealing with government agencies, managing infection control for their staff and for guests,
5 meeting the needs of those who were in hotels.

Then next week we are going to hear evidence firstly about contractual arrangements which underpinned the engagement of hotels and security guards and how those contractual arrangements were monitored. On Tuesday we will be hearing from a
10 range of people who had roles in the ongoing management and monitoring of the system, including authorised officers, safety officers and Victoria Police members. Then on Wednesday and Thursday, to the extent that we need both days, we will be dealing with evidence from security contractors and subcontractors. The intention is that by the end of the six-day block the Board will have received evidence that
15 enables it to understand how the system was created and how it worked.

Before I turn to the first witness, might I raise a couple of matters of housekeeping. The parties with leave to appear will have observed the hearing book has been established with a structure which lists documents under a number of headings. In
20 each case where a witness is being called, the witness' witness statement appears, followed by a folder in which is contained the exhibits or attachments to their statements, and then followed by a third folder containing other documents identified by the Inquiry as potentially relevant to the evidence of the witness.

The way in which Counsel Assisting propose to deal with those three categories of evidence is as follows: firstly, where we are calling a witness, we will tender their statement as contemplated by the Practice Direction and ask relevant questions. In some cases we will also tender all of the witness' attachments, where all those attachments appear to us to be necessary and relevant. In other cases, where
30 attachments appear to us to not be relevant or to be unnecessary, we will tender only selectively from the attachments and it will be a matter for interested parties, if they wish to seek leave to question and put additional documents, to make that application.

Thirdly, the documents that are in the third sub-folder as documents of potential
35 relevance may in some cases be used by Counsel Assisting for the purpose of tendering an individual document and may be, if interested parties see fit and obtain leave to cross-examine, used by them, but otherwise the documents in that third folder should not be understood as being intended to form part of the evidence before
40 you.

With those administrative matters dealt with, and unless anything arises, Madam Chair, I propose to proceed with the first witness.

CHAIR: The first witness is ready?
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MS ELLYARD: As I understand it, Ms Claire Febey is the first witness. I think she now appears.

CHAIR: Good morning, Ms Febey.

MS FEBEY: Good morning.

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CHAIR: Ms Febey, I'm sure you understand that it is necessary before you commence your evidence to take the affirmation?

MS FEBEY: Yes.

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CHAIR: For that purpose I will hand you over to my associate, who will administer the affirmation to you before handing you back to Ms Ellyard. Thank you, Madam Associate.

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CLAIRE FEBEY, AFFIRMED

EXAMINATION BY MS ELLYARD

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CHAIR: Thank you, Ms Febey, I'll hand you to over to Ms Ellyard now.

MS ELLYARD: Ms Febey, your full name is Claire Alana Febey?

25

A. That's right.

Q. What is your present job title?

30

A. The Executive Director of the Priority Projects Unit in the Department of Jobs, Precincts and Regions.

Q. You have prepared a witness statement in response to a request that was made of you by the Inquiry?

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A. I have.

Q. That statement runs to some 116 paragraphs and is dated 25 August 2020?

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A. That's right.

Q. You have that statement in front of you?

A. I do.

45

Q. Are the contents of it true and correct?

A. They are.

MS ELLYARD: I tender the statement, Madam Chair.

5 CHAIR: Exhibit 032.

EXHIBIT #032 - STATEMENT OF CLAIRE FEBEY

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MS ELLYARD: Ms Febey, in your statement you refer to a number of documents which have previously been produced to the Board by the Department of Jobs, Precincts and Regions and you do that by way of footnotes; is that correct?

15 A. Yes.

Q. Are we right in understanding that you wish for those documents to be included as part of the evidence that you are giving to the Board today, being documents that confirm or corroborate matters referred to in the statement?

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A. That's right.

MS ELLYARD: I tender the bundle of attachments to Ms Febey's statement, being the documents in folder B under Ms Febey's name in the hearing book.

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CHAIR: Exhibit 033.

EXHIBIT #033 - BUNDLE OF ANNEXURES TO CLAIRE FEBEY'S STATEMENT

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MS ELLYARD: I might by way of administration note that a couple of those exhibits, being recordings, have been produced by Ms Febey, but are going to be received and used by the Inquiry, at least for now, in a slightly redacted form, pursuant to an application that has been made and is under consideration by another party. I don't propose to play the recordings today, but just so that we are clear.

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CHAIR: Thank you.

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MS ELLYARD: Ms Febey, at paragraphs 1 and 2 of your statement you set out your recent work history in the Department of Jobs, Precincts and Regions. Can I ask you: Prior to your involvement in the Hotel Quarantine Program had you been involved in the management of an operation of this size or complexity?

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A. Predominantly, my experience has been in policy development, but I did spend some time previously in the community sector, working at an organisation where

I held operational leadership roles, so program management roles on the ground, and then my most recent position was a State manager of a community services program across two jurisdictions.

5 Q. At paragraph 11 of your statement you say that when you were originally appointed to a position in what we are calling the Hotel Quarantine Program, on 27 March, you understood that you were going to be responsible for establishing the whole process?

10 A. That's right. When the Secretary initially briefed me on 27 March, I understood that the Department that I work for was to be the end-to-end lead for the implementation of quarantine.

Q. And you were to be the lead person?

15

A. Correct.

Q. As you describe in paragraph 13 of your statement, you ultimately ended, for reasons that we will come to, you ended up performing a different role, which you set out in paragraph 13 of your statement?

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A. That's right.

Q. You performed that role over what period of time?

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A. I performed the role from 27 March until 12 April.

Q. As you go on to describe in your statement, at paragraph 27, you went on to another role, still connected with COVID-19 response?

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A. That's right. The Secretary asked me to take up a different position, which was coordinating a number of projects which were part of Mission 3, which is an organising structure that was put around the Department of Jobs, Precincts and Regions' work as part of the COVID response, which had an emergency focus to it.

35

Q. So the Department of Jobs, Precincts and Regions' work in the hotel quarantine system was one aspect of that broader work; is that right?

A. That's right, it was a project within that broader Mission, which had at the time around 15 different projects within it.

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Q. Going back to paragraph 6 and following of your statement, you detail in your statement the initial involvement you had, and as you have just said, you understood when you first heard about the program that DJPR would lead it and within DJPR you would in turn be leading the response. Am I right in understanding that you became aware of the Hotel Quarantine Program and what you understood to be DJPR's role in it before it was officially announced by the Premier?

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5 A. That's right. The Secretary called me shortly before 12.30 to let me know what had been decided at National Cabinet, that the Premier would be making an announcement later that day and to ask me if I would take up the leadership of our work.

Q. Was it from the Secretary that you gained the impression that DJPR was to be the lead agency in running the Hotel Quarantine Program?

10 A. That's right.

Q. You refer to some notes that you made, and I'll ask if the following document could be brought up on the screen, DJP.202.002.0001.

15 CHAIR: Whilst that document is coming up, to be clear, when Ms Febey is referring to the "Secretary", given there are a number of secretaries involved in this Inquiry, Ms Ellyard, it might be helpful to have the various secretaries named, to be able to distinguish them.

20 MS ELLYARD: Yes, of course. It is Mr Phemister who was the Secretary for the Department of Jobs, Precincts and Regions; is that correct, Ms Febey?

A. That's correct.

25 Q. That was the relevant secretary to whom you reported in the course of your work?

A. That's correct.

30 Q. Are we now seeing on screen notes taken by you on 27 March, to which you refer at paragraph 10 of your statement?

A. Yes, that's correct.

35 Q. You have described in your statement that these were taken during the meeting. If we scroll through past the first page through to the second and then third pages, you have indicated that the notes down to the bottom of the page, where there is a heading "SCC", are all notes of matters discussed in the meeting with Mr Phemister, the Secretary, at around 12.30?

40 A. That's right.

45 Q. Can I ask that you be shown the document that is page 8, so the first page of that exhibit, if the operator could take us back to the first page. If we could have the bottom half of the page enlarged. Just to confirm the evidence you have just given, you have written there:

I will be responsible for the whole process.

By "I" you mean you?

A. That's right.

5

Q. There is a reference to:

*They need to be safe, but we need them to stay where we are.
Simon will call Graham Ashton*

10

Who I take it you knew to be the Chief Commissioner of Police?

A. I did.

15 Q.

.... need a regime that makes sure they adhere to the Quarantine Program.

Does this reflect a discussion you had in this first meeting about the potential role of Victoria Police in a quarantine arrangement?

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A. It does.

Q. What was your understanding at that early stage about what, if any, role there might be for Victoria Police?

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A. I guess at that point what I understood was that Victoria Police would determine the overarching regime by which people would be, I guess, supported to stay in quarantine, so what the enforcement would look like, so they would be the decision-maker, but I didn't know at that time what their role would be in terms of how that would play out operationally.

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Q. Did you know at this early stage what would be the power of detention that was going to be exercised so as to keep people in quarantine?

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A. I did not know.

Q. You indicate at paragraph 34 of your statement that over the course of this day you were communicating with a number of members of your team via an app called Slack.

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A. That's right.

Q. Perhaps I'll ask if that document could be brought up, DJP.500.001.0001. I will ask the operator to go to the next page and to enlarge it a bit. Ms Febey, do see we here the first page of what was ultimately a long conversation extending over a couple of days between you and a number of people involved in your team?

45

A. Yes.

5 Q. The green extracts on the right-hand side are you?

A. They are.

10 Q. And the blue ones are various members of the team with whom you were corresponding?

A. Yes, that's correct.

15 Q. If we look at the bottom green entry on that page, which is an entry from you, would we be right in understanding that you were sending that message effectively as the Premier was speaking?

A. That's right.

20 Q. So this was a conversation between you and those who were going to be working with you to establish the system while the Premier was announcing it?

A. That's right.

25 Q. Can I ask that we go through to the fifth page. Just highlighting the top part of the page, we see there timestamped at 4.20 pm a series of messages sent by you. Firstly:

We need a security stream in our plan.

30 Shortly after you say:

*We will likely need private security... additional security...
police on call.*

35 Can I ask you to explain to the Board why was it that you were sending those messages out, what did you have in your mind at that time?

40 A. So in my mind at that time was a working assumption. The team was doing a lot of work to map end-to-end from the airport through to the hotel, how each step of the process would work. They had different streams in the plan and at that point I asked them to include a security stream and then to contemplate what types of security might be needed by different organisations at each point in the process. So I'm asking them to start blocking that out as a working assumption.

45 Q. In the bottom line of the second of those green blocks on that page there is a reference to "Authorised officers health system to direct security." At the time you sent that, do you recall, did you have an understanding of the power that was going to be used to keep people in quarantine was going to be a power exercisable by

authorised officers rather than by police?

A. I still didn't know at this point what the powers would be.

5 Q. So would we be right in understanding you were brainstorming in anticipation of all options so that as those things were clarified you would have a structure in place to support them?

A. That's right.

10

Q. At paragraph 31 of your statement you refer to attending a meeting at the State Control Centre, the first of several meetings that you refer to in your statement. You say that you attended that meeting for what you understood to be the purposes of planning the Hotel Quarantine Program?

15

A. That's right.

Q. As I understand your evidence, at this time you understood that this was going to be your Department's program to deliver, with you as the lead?

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A. That's correct.

Q. So what did you understand was the purpose and role of the Emergency Management Commissioner in convening together representatives across departments at this early stage?

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A. I didn't examine too much what the purpose and role was. I understood that there was going to be a meeting and that multi-agencies would be convened to talk about their different roles. But I hadn't examined why or who would instruct that that be convened. So it was really just for the purposes of planning and to hear from different agencies what their role would be.

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Q. Would we be right in understanding that although you understood that you were leading the program, you weren't proposing that you do it without appropriate input from other departments?

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A. That's right.

Q. It was accepted that substantial parts of the work were going to be done by other agencies, it wasn't all going to be done by your department?

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A. That's correct.

Q. Can you recall whether, prior to entering that meeting, you had been in any discussions yourself with representatives of other departments about, for example, the nature of the power that was going to be used to keep people in detention?

45

A. I don't have any recollection of speaking directly with other departments or agencies before the SCC call about the particular powers, but I would think that members of my team would have been reaching out to try and get that information on my behalf.

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CHAIR: Can that document come down?

MS ELLYARD: Yes, I'm sorry. Thank you very much.

10 Q. You have produced recordings of both the initial meeting which you call the first meeting in the State Control Centre and two subsequent meetings. Have you listened to those recordings yourself, Ms Febey?

A. I have.

15

Q. Do you identify your voice on them?

A. I do.

20 Q. At paragraph 32 and following you answer some questions about the time and the process about which you had any information about a potential role for private security. You refer at paragraph 37 to effectively having a working assumption which you then tested, as you describe it, in the meeting.

25 A. Yes.

Q. Can I ask you: Do you recall when you were first aware, whether it was in the meeting or at some other time, of the view that Victoria Police held about what their role would be?

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A. My recollection the first that I was aware of the view of Victoria Police was in that meeting, which is why in that meeting I defer to their view as to how security should be arranged for the program.

35 Q. So you hadn't yourself, as best you recall, had any conversations before this meeting with anyone from Victoria Police about the way security would be structured?

A. To the best of my knowledge, no.

40

Q. Then you refer in your statement at paragraph 41 to a part of the discussion that was led by Mr Crisp, the Emergency Management Commissioner, and you have extracted what I understand to be a section from the transcript where there is a discussion, firstly, between Mr Crisp and Mr Grainger on behalf of Victoria Police, and then you?

45

A. That's right.

5 Q. Was that the point that you describe in your statement Mr Grainger, the Assistant Commissioner of Police, saying that it was Victoria Police's preference --- in answer to a question from Mr Crisp --- Victoria Police's preference that private security be the first line of security?

A. That's right.

10 Q. And that was where you learnt that information?

A. To the best of my knowledge, yes.

15 Q. Then Mr Crisp asked who was going to take responsibility for contracting private security, and you said that it was for you to take up?

A. That's right.

20 Q. Why did you think that it was for you? By "you" I assume you meant your Department, to take up that question?

25 A. I assumed that to be our responsibility because we were at that point seeing ourselves as the lead end to end for the program and also we had contemplated earlier that day contracting hotels and contracting other things that would be needed in hotels, such as catering, cleaning and security.

30 Q. So it was going to be one of a number of contractual arrangements that you would make?

A. That's right.

35 Q. The recording suggests that you were going to follow up with Assistant Commissioner Grainger outside of the meeting about more details about how Victoria Police saw security arrangements being organised. Do you recall that being said in the meeting?

A. I do.

40 Q. Did you in fact have a follow-up discussion, whether with Assistant Commissioner Grainger or anyone else, to expand upon Victoria Police's view about how security should be managed?

A. To the best of my knowledge, no.

45 Q. So, at paragraph 44 of your statement, when you extract something else said by Assistant Commissioner Grainger, "There will be private security, then police would have a role perhaps around that as well, but we would have to work through what that looked like", you go on to say that you understood in due course that Victoria Police

would determine what its role was. During the period of time that you had a role in organising the hotel quarantine system, did you come to understand what Victoria Police saw its role as being?

5 A. Yes.

Q. What was that?

10 A. Victoria Police saw its role as being there for key points, so entry and exit, and then perimeter or proximate patrols, so available to be called in if there was a need to escalate via 000.

15 Q. You say in your evidence that you had a view that it would have been preferable for Victoria Police to have a more permanent presence at hotels?

A. I do.

Q. Why was that your view?

20 A. That was my view for two reasons, the first being that it was a very complex operation and it wasn't something that we had done before, we weren't easily able to anticipate and understand ahead of time what the risks or issues would be in delivery, and so having a greater level of oversight was a good way to manage that. And the
25 second, I had people in my team who were working with Health and Human Services and scoping out what they thought the security arrangements could look like and their advice to me was that security should be acting under the instruction of authorised officers, with oversight and on-site support by Victoria Police.

30 Q. Was that view something that you advocated for in the course of the meetings that you participated in over the course of your time working in the program?

A. I did advocate for it, mostly in meetings directly with key people at Health and Human Services, and then also through email escalation.

35 Q. You touch on that matter at paragraph 57 of your statement when you say that you had had an assumption that Victoria Police would be there 24/7, but when that wasn't the case, you escalated the concerns as an urgent matter, as you have just said. You continued to press the issue but am I right in understanding that at the time you
40 handed over to your successor, you hadn't achieved the outcome that you thought preferable with regard to police presence at hotels?

A. That's right.

45 Q. Going back to the question of precisely how it came to be that you were tasked to engage private security companies, you have explained the fact that you understood it to be a contracting job to sit with other contracting jobs that your Department was undertaking on behalf of the project. At paragraph 39 you answer a direct question

about who it was who decided that there should be private security companies and your answer is that you don't know, but that you understood that there was a directive coming out of that first meeting, that it be done?

5 A. That's right, yes.

Q. Who did you understand had given that directive?

10 A. I understood that Mick Grainger had given that directive and in conversation with Andrew Crisp. If I can correct what I'm saying, no, so the specific discussion about contracting was Andrew Crisp asking who would take that up and I said that we would, based on the directive that security be engaged.

15 Q. As I understand your evidence, you are quite clear that you were effectively tasked by Mr Crisp to arrange it, but you can't say who made the anterior decision of the fact that it was to be arranged at all?

A. That's right.

20 Q. It's clear from the brainstorming and work that you had been doing earlier, on 27 March, that you yourself had identified the potential for private security to be needed?

25 A. I had.

Q. Would we be right in understanding that you thought it was appropriate that there be at least some role for private security?

30 A. Subject to the view of others with expertise, but yes, it seemed an appropriate thing to consider.

35 Q. One view that might be taken is that it was your Department's decision to include private security in the structure, given that as at the 27th you understood it to be your structure and you had already contemplated the possibility of engaging private security.

40 A. We came to that meeting at SCC with a view that Victoria Police was a decision-maker around enforcement, so while we were carrying the end-to-end plan, I didn't see us as a decision-maker as to how detention would be enforced.

45 Q. Can I ask that a document be brought up, DJP.113.008.5598. The document that is coming up is a document that has been identified to the Board as an early iteration of a plan for what became the plan for Operation Soteria. Is this a document that you familiar with?

A. Yes.

Q. Indeed, as we understand it, this is a document that was prepared and distributed through Emergency Management Victoria overnight between 27 and 28 March, is that your recollection?

5 A. It was.

Q. As we go through this document, I'll ask that the operator scroll down past the first page, please, and past the second page? We see there a series of phases set out, being phases in the operation to take passengers from the airport through into hotel quarantine?
10

A. Yes.

Q. There is a role in this version for your Department, both in phase 1 and phase 2 and phase 3?
15

A. Yes.

Q. Does that reflect your understanding overnight of the 27th to the 28th of some of the tasks that your Department was going to be performing?
20

A. That's right.

Q. If we go through to the next page, we see that there was going to be a role, at the top of the page, for Victoria Police to provide security reserve force to support private security if required?
25

A. Yes.

Q. Was that something that you were aware of on 27 and 28 March, that there was still that possibility?
30

A. Yes.

35 MS ELLYARD: Madam Chair, this document isn't a document that has already been tendered as part of Ms Febey's bundle, so I seek to tender the document, "Draft of Hotel Quarantine Plan, prepared 27 March 2020".

40 CHAIR: Exhibit 034.

**EXHIBIT #034 - DRAFT OF HOTEL QUARANTINE PLAN PREPARED
27 MARCH 2020**

45 MS ELLYARD: Thank you.

You describe at paragraphs 59 and following of your statement of how it came to be that you learned that your initial expectations of the role that you and your Department would play in the management of the hotel quarantine system were not correct. As I understand it from paragraph 59 of your statement, over the course of the Saturday, 28 March, you started to receive feedback that perhaps DJPR wasn't leading the organisation of the program?

A. That's right.

10 Q. Can I just ask you to explain what you mean by that, that you started to receive feedback?

15 A. I think mostly that would have been feedback that I was receiving from the Secretary DJPR and also in conversations with other agencies, such as Health and Human Services, I became aware that there was a level of contestability around that leadership role.

20 Q. So you say in paragraph 59 that you spoke to the Emergency Management Commissioner to seek clarity about which agency was the lead?

A. I did.

Q. And that you asked him to direct that DHHS was leading?

25 A. That's right.

Q. Is that because it was your view that DHHS and not you should be leading?

30 A. I didn't have a view at that time. I was seeking clarity from the Commissioner. We felt that we had been tasked to lead and so if that was changing we wanted to be clear that that was the direction.

35 Q. As far as you understood it, it was for the Emergency Management Commissioner to give a direction about who the lead agency was?

A. That's right.

40 Q. Were you aware at about this time the proposal was that the Hotel Quarantine Operation was to be established under emergency management arrangements with a control agency, as that term is used in the Emergency Management Manual?

A. Yes.

45 Q. Was that manual a document with which you were familiar?

A. No, it was not.

Q. But would we be right in understanding that it was explained to you that the role of the Department of Health and Human Services as the lead agency was going to be as contemplated by the emergency management structures that were in place in Victoria?

5

A. Correct.

Q. Perhaps it is an obvious question, but why was it potentially problematic if there was contestability about who was leading? Why was it necessary in your view that there be clarity one way or another about that?

10

A. Because in order to have an operation that was effective and safe it needed to be clear who was accountable, who was identifying and managing risk and who the decision-maker was.

15

Q. You said that you didn't have a view whether it should be DHHS or your Department?

A. I did not.

20

Q. You came to understand over the course of 28 March that it wasn't going to be your Department but that there was still going to be a role for your Department in the program; is that correct?

25

A. That's right.

Q. You describe in your statement at paragraphs 67 and 68 what you understood the role of your Department was going to be.

30

A. Yes.

Q. So you were going to retain contracting responsibilities and working to meet the day-to-day needs of people in quarantine?

35

A. That's right.

Q. And related, what I'm using, I'm using the word "logistical" matters, would that be a fair summary?

40

A. That's right.

Q. And you also refer to supporting logistical on ground delivery of policies and procedures set by the Department of Health and Human Services. It was DJPR's role to assist those things happening on the ground?

45

A. Yes.

Q. So, do we understand by that, that relevant decisions would be made by the Department of Health and Human Services but that staff from DJPR were effectively available as a resource to ensure that those decisions were given operational effect?

5 A. That's right.

Q. Going back to paragraph 52 of your statement, you describe there a couple of meetings that occurred in the State Control Centre on 28 March. Perhaps to give some context to this, the Board understands that there was great urgency about the establishment of this program because it needed to be in place to take travellers arriving after midnight on Saturday night.

A. Yes.

15 Q. And there were indeed arrivals that were expected the following morning, Sunday the 29th, and the system needed to be in place for them?

A. Correct.

20 Q. And you were part, as I understand it from the recordings of the second and third meetings, which you mention in paragraph 52, of some discussions about the need for clarity around the power under which people were going to be detained?

A. Yes.

25 Q. So in the afternoon of 28 March it wasn't yet clear to you what that power would be?

A. It was not.

30 Q. And there was also what's been referred to in the materials as a "dry run" on the afternoon of 28 March, where there was effectively a test run of the way in which the process would work to bring the people from the airport through to a hotel?

35 A. There was.

Q. And what role had you had in the course of the day, or had your team had, in drawing together the various services or agencies that were all then present for the dry run?

40

A. A member of my team worked with the Melbourne Airport and colleagues there to draw together the relevant agencies so that we could convene at 3.00 pm and do an end-to-end run of the process.

45 Q. Again, perhaps an obvious question, but why? Why have a dry run?

A. Because of the complexity of what was happening and the need to make sure that

all agencies understood, step by step, who needed to play what role.

5 Q. And at paragraph 52 you give evidence that you raised in a third meeting occurring in the evening after that dry run had occurred, the need to resolve the roles of Victoria Police and other agencies involved in administering different parts of the direction and detention notices?

A. I did.

10 Q. Do you recall whether or not you achieved, in that meeting, clarity on the matters that you were concerned about?

A. We didn't achieve clarity in that meeting because the directions for detention hadn't been finalised at that time.

15

Q. So people were due to arrive and be detained in a few hours, but the complexity of the work was such that there wasn't yet clarity about that; is that a fair comment?

A. (No audible response).

20

Q. I'll ask you now some questions, Ms Febey, about the structure within which you worked. For that purpose can I invite you to turn back to an early part of your witness statement, in particular to paragraph 15.

25 CHAIR: Before you do that, Ms Ellyard, I have noticed on the transcript that in answer to your last question, the transcriber has noted that Ms Febey's answer was inaudible. I think there might have been a rustling noise over the top of Ms Febey's answer, so perhaps if we could just return to that and ensure you do get an answer to that question.

30

MS ELLYARD: Thank you, Madam Chair.

35 Ms Febey, I was putting to you that with only a few hours to go before the quarantine program went into effect, the complexities of it were such that there wasn't yet clarity on the precise way in which people were going to be legally detained?

A. That's right.

40 Q. But obviously that was sorted out by the time people arrived on the Sunday morning and were taken into detention under the *Public Health and Wellbeing Act*?

A. Yes.

45 Q. Can I ask you to turn to paragraph 15 of your statement? You have indicated that for the period of time that you were working in the frontline role on behalf of the Department of Jobs, Precincts and Regions, you didn't see yourself as having a role within what we understand to be called Operation Soteria. Perhaps can I ask, by way

of background, what was Operation Soteria, from your perspective?

5 A. Operation Soteria was established to capture everything that was happening as part of the Hotel Quarantine Program. So as I've described, end to end from when people arrived and then were in hotel quarantine. And it was established as an operation by -- under the emergency management framework and with the Deputy State Controller leading the work.

10 Q. Did Operation Soteria effectively reflect not only the work --- just the work that you had originally thought you were going to be doing, or was it not just the work that you had thought you would be doing, but also other work to be done by other departments as part of the program?

15 A. I'm not sure I'm entirely clear on the question. Would you mind repeating it?

Q. I'll ask it again. You have given some evidence that you understood that you were going to lead the program and establish it in all its respects. Did Operation Soteria, in effect, become the replacement for you and your team or was Operation Soteria --- did Operation Soteria have a broader mandate than that?

20 A. My understanding of Operation Soteria is that it was what we had envisaged we would lead at that very initial point.

25 Q. And you have described in your statement that you had key --- you didn't think you reported to anyone particularly within Operation Soteria, but you were required to act on the direction of the Deputy State Controllers?

A. That's right.

30 Q. And why was that?

I'm sorry, Madam Chair?

35 CHAIR: Sorry, just to again identify, Ms Ellyard, what department the Deputy State Controllers came from, and the names.

MS ELLYARD: Yes. So the statement refers to the Deputy State Controllers, Chris Eagle and Scott Falconer, Deputy State Controllers, Health. Are you able to say, Ms Febey, firstly, which departments they were from?

40 A. So they are from Health, Environment, Land, Water and Planning and they were appointed into health roles for the purpose of that operation.

45 Q. They were holding roles that were roles in the Department of Health and Human Services' structure?

A. Reporting through to the State Controller, Health.

Q. But in fact the substantive position of those two people was from another department; is that right?

5 A. That's right.

Q. Can you explain please, as you understood it, what role did the Deputy State Controllers for Health have?

10 A. The Deputy State Controllers, Health, were leading the operation day to day. They convened the daily multi-agency calls that we had at the State Control Centre, to take operational updates and to lead the assigning of actions and they were my key point of escalation in the operation if I thought risks or issues or decisions needed to be put up for decision.

15

Q. You say that you weren't reporting to them but were you accountable to them for the work that your department was doing within Operation Soteria?

A. That's right.

20

Q. And, similarly, other departments were also accountable to the Deputy State Controllers?

A. That's my understanding.

25

Q. So where there was a need for escalation or a resolution of some issue, the Deputy State Controllers, as you understood it, had the power to escalate and/or resolve those issues?

30 A. That was my understanding.

Q. Sitting above the Deputy State Controllers was the State Controller. Can you identify for the Board what you understood to be the role of that position?

35 A. Responsible for the broader COVID emergency response and so therefore Operation Soteria was just one piece of work within their remit.

CHAIR: Again, just before you go on, Ms Ellyard, just to maintain clarity, where did that person --- at what department did that person come from?

40

A. They came from Health and Human Services.

CHAIR: And the name of that person?

45 A. So there were two people, as I understand it in that role, Andrea Spiteri and Jason Helps.

MS ELLYARD: At paragraph 63 you refer to a conversation that you yourself had with Mr Helps in his capacity as the State Controller for Health?

5 A. That's right.

Q. If you go to paragraph 63, as I understand it, the context was what I'm going to call the transition of some of the work that you and your team had been doing across into the new Operation Soteria framework?

10 A. Correct.

Q. And the transfer of particular tasks and responsibilities to DHHS as the control agency for the operation; is that right?

15 A. That's right.

Q. Can I ask you to just outline for the Board the circumstances in which you came to have that discussion with Mr Helps, the State Controller?

20 A. So the day before, we had understood that Health was to be the control agency. Once operation commenced, so delivery on the first day, I had feedback from colleagues that Jason was seeking to talk more about how Health would take up that role of control agency with regard to some of the things that DJPR had done within the first 24 to 36 hours of preparation. So Jason and I had a phone call where he
25 explained to me what Health's role was from his perspective and that they needed to have more oversight, control and direction of a number of things that we stood up initially, to ensure they could be fully accountable for what was happening in the operation and then we documented what was discussed in an email exchange.

30 Q. You have rehearsed that email exchange at paragraph 63 of your statement?

A. Yes.

35 Q. I might ask if the operator could bring up DJP.050.010.0015, which is page 15 of this witness's statement, which has previously been tendered as Exhibit 32.

Do we see in the bottom part of that page the email that Mr Helps, the State Controller, Health sent to you, after the discussion that you have just described having with him?

40

A. That's right.

45 Q. He refers there to being the State Controller, Health appointed under the Emergency Management Act with Professor Sutton, the Chief Health Officer, who was leading the Health response?

A. Yes.

Q. And that DHHS as the control agency had overall responsibility for all activities undertaken?

5 A. Yes.

Q. And then if we go through to the next page of your statement where the balance of the email is contained, there's a paragraph that begins:

10 *It is important however that we clarify some roles and responsibilities*

There is a reference to Chris Eagle working with you on that. He was one of the Deputy State Controllers, as you have just identified?

15 A. Yes, correct.

Q. And as you have indicated the view that the State Controller was taking was that certain tasks, including hotels and so forth, needed to transfer to DHHS?

20 A. Yes.

Q. And your response is set out at paragraph 64 and following. Did you understand as at the 29th what your and your Department's role was now going to be in Operation Soteria?

25 A. I did.

Q. And so you were going to continue to have a role in contracting?

30 A. That's right.

Q. But not in decision-making about how the program would run in terms of which hotels would be used?

35 A. That's right.

Q. You go on to say at paragraph 66 that although you achieved clarity through this email exchange, it took a few days for that to be given practical effect?

40 A. It did.

Q. Can I just ask you to explain what --- I'm not going to use the word difficulty --- what were the wrinkles that need to be sorted out, having achieved clarity of understanding with the State Controller about what should go over to DHHS, what was involved in making that a reality?

45

A. Sorry, would you repeat again? Is it about what was involved in making it a reality, or what needed to be ---

5 Q. You have indicated that you got clarity as between you and Mr Helps, about what should be transferred over to DHHS but then it took --- it was difficult to achieve clarity in practice. Perhaps I should begin by saying, what do you mean by "clarity in practice" as opposed to clarity of understanding between you and the State Controller?

10 A. So the piece that needed to be clarified was around which hotels would be activated to take passengers and when, and then how we would allocate flights to those particular hotels. So on our side we had assumed that as long as we were meeting the broad parameters that Health and Human Services had set in terms of what their needs were, we could activate hotels and allocate flights to them within the
15 stock we had available, but it was made clear to us by Health and Human Services that given that they had complex workforce needs and they were carrying all of the risk and accountability, they needed to be in charge of that decision-making and so we moved to that over the first few days of the operation.

20 Q. Thank you. As I have already taken you to, you describe in paragraphs 67 and 68 that DJPR became a support agency. Have you been made aware, Ms Febey, of some of the evidence that was given by returned travellers who experienced the quarantine process? That evidence was given last week and at the beginning of this week.

25 A. I have some understanding, but not a detailed knowledge.

Q. I just wanted to get a sense from you of the extent to which some of the things that the Board heard about were things that would have fallen under DJPR's remit or under somebody else's remit. To the extent that people had concerns about food,
30 dietary requirements, sufficiency of food, things of that kind, was that a matter for DJPR to be sorting out or was that something that had been transferred across operationally to DHHS?

35 A. Thanks for clarifying. Food was definitely within our remit so we worked with the hotels to make sure that the food was appropriate and of the right quality and quantity.

CHAIR: Can that document come down, Ms Ellyard.

40 MS ELLYARD: Yes, it can, thank you.

What about the suitability of accommodation, as in the appropriateness of particular room environments for families or for people with particular needs? Was that a matter over which DJPR continued to have some control or responsibility?
45

A. We had some control and responsibility, given that we were identifying hotels that could be used and so we were thinking about what types of hotels would have the

right sort of mix of rooms and the right types of facilities to support people while they were in quarantine. But ultimately, as I said, the allocation of flights to hotels and the decision around which hotels to activate was a matter for DHHS quite early in the program.

5

Q. So how would that work in practice? Can I ask you, from the time that it becomes clear through a flight manifest that there are passengers arriving from overseas who are going to need to go into quarantine, how would information reach DJPR so as to enable them to have available for those passengers rooms of an appropriate number and type?

10

A. I can speak to the way that it worked at the start, but probably not how it might have changed over time.

15 Q. Please.

A. During the time I was in the role, we didn't know when flights were landing, any particulars about the manifests until the point that they arrived so we couldn't plan in advance for particular types of needs so we had to wait until people arrived at the airport. We could make some general assumptions about where a flight was coming from and whether we thought there might be more or less families, but really only broad assumptions. They would arrive at the airport, we would have already allocated a hotel that had capacity, and then there would be a point of matching at the airport and then at the point of the hotel to ensure as best we could that people had rooms that met their needs. And then my understanding is that if people were placed in a room that didn't meet their needs, that there would be work, where it was possible, to relocate them or resolve that afterwards.

20

25

Q. You refer in paragraph 68 to providing a call centre function and the Board has heard some evidence about people being given numbers of various kinds to call for various reasons. What is the call centre function that you are referring to in paragraph 68?

30

A. I'm talking about the Government support service, so it was a call centre that we stood up to act as an enhanced version of a hotel concierge. We anticipated that people would have a high volume of questions once they arrived in quarantine and would need support to arrange logistical matters, like the delivery of goods or to communicate particular day-to-day needs. So we stood up a call centre that could then be available consistently to all people while they were quarantine so they could get one consistent source of information and have their requests logged.

35

40

Q. The call centre had the power to give information and receive requests. Who then had responsibility for acting on those requests if they were for action rather than merely requests for information?

45

A. That depended on the nature of the request and there would have been an escalation protocol around matters that related to health and matters that were just

day-to-day.

5 Q. What about access for people with particular needs, whether it be medication for ongoing conditions, or I think the Board heard a particular instance of a passenger in quarantine who needed a kettle but wasn't able to get one. Were those the kinds of things that fell under the concierge logistical remit of DJPR?

10 A. I'm not aware of that particular example, but I am aware of a number of examples where people needed day-to-day necessities and through the call centre those needs would be identified and then people would work on the ground to try and provide what was needed, where it was safe and appropriate to do so.

15 Q. May I tender some questions about lines of communication. You were asked some questions about this and gave some answers beginning at paragraph 22 of your statement. We have already discussed the way in which the Deputy State Controllers for Health exercised day-to-day control and you referred to them convening the daily interagency meetings?

20 A. Yes.

Q. What was the purpose of those daily meetings?

25 A. The daily meetings were to provide operational updates, to follow up on actions or assign new ones, and also to talk about any health or safety issues.

30 Q. Can I ask you perhaps to give the Board a flavour of the kinds of issues that were being discussed in that early week of the program while you were working? Perhaps if I put it this way: Were the operational updates, updates to suggest that everything was all going fine and it was all running perfectly smoothly, or were there updates of a more variable nature?

35 A. The updates were more variable. It was a complex operation. Every day we were learning new things about what people would need to feel safe and supported while they were in were quarantine. So every day we were sharing and working through issues across different agencies.

40 Q. You also refer to the fact that --- perhaps I'll be clear, the multi-agency call that you refer to at paragraph 22 of your statement, is that the daily interagency meeting that we have just been talking about or is that something different?

A. That's the same meeting.

45 Q. Can I ask you now some questions about the respective roles, as you understood them, during the period of time that you were performing the role as departmental lead, the respective roles of DHHS and DJPR in the program. At paragraphs 77 and following you give some evidence about some circumstances that led you to request a meeting that would clarify certain matters about the respective roles of DHHS and

DJPR.

A. Yes.

5 Q. And you refer, in paragraph 78, to a broader COVID-19 Emergency Accommodation Program.

A. I do.

10 Q. Is the Board right in understanding that the Hotel Quarantine Program was one aspect of a broader program for accommodating people who needed accommodation because of COVID-19?

A. Yes.

15

Q. What were the other parts of the program, just so that we have got the full picture of what sat under the COVID-19 emergency accommodation umbrella?

20 A. So that could be a range of different cohorts that needed accommodation in the context of COVID, so that might be frontline workers from different workforces that needed to self-isolate, or for different reasons needed to be away from their family if they were at risk, and also COVID-confirmed cases from the broader community that didn't have an appropriate place to isolate or quarantine.

25 Q. Were any of those cohorts of people, people who were being detained under the *Public Health and Wellbeing Act*, as you understood it?

A. I didn't understand them to be detained, they weren't in the formal quarantine program, no.

30

Q. So that they were voluntarily going through a quarantine process in accommodation that had been provided through this program?

A. Voluntarily going through an isolation process, yes.

35

Q. Thank you. Can I ask you now some questions about the matters that you set out at paragraphs 71 and following of your statement, in which you were invited to reflect on the transition of responsibilities from DJPR to DHHS and the Emergency Management Commissioner.

40

A. Yes.

45 Q. The first point to note is that, as I understand it, although a huge amount was done in a very short space of time, effectively the transfer of formal responsibility to DHHS had happened before the first passengers arrived; is that right?

A. Yes.

Q. By the time people were arriving and entering quarantine on the 29th, you understood your agency to have assumed a supportive rather than the leading role?

5 A. That's right.

Q. And to have performed that role in the ways that you have set out in your statement?

10 A. Yes.

Q. You say at paragraph 73 that with the benefit of hindsight and with more time you might have critically examined some of the things that remained with DJPR to deliver. Can I ask you to explain, please, to what are you referring when you say that
15 "with the benefit of hindsight" it might have been better to have thought more about what you kept hold of and what you handed over to DHHS?

A. Yes. So what I'm talking about is the fact that we retained contracting functions, so that we contracted security and contracted cleaning, and my reflection was
20 perhaps, with hindsight, those functions, those contracts, might have been better held by the control agency, given their greater access to information and the decision-making powers.

Q. What difference do you think it would have made had those contracts been held by
25 DHHS?

A. The difference that I'm reflecting on is that sometimes in holding those contracts --
- and I refer to this later in my statement --- we had challenges getting the type of
30 specific information that we needed to either engage or direct, for example, cleaning contracts and given much of that information was held by Health and Human Services, it may have been more seamless and more timely if they held those contracts directly. And with regard to security, my observation is, given that we saw the security acting at the direction of authorised officers and exercising the legal
35 powers that Health and Human Services held, it may have been better if that sat with that department.

Q. Thank you.

Madam Chair, I was going to take the witness to another document, which
40 I understood to be available in the hearing book in an appropriately redacted form, but I have had some information given to me that perhaps that's not right and that I should double-check that we have got the correct version before I show it to the witness. I'm sorry to do this and to inconvenience the witness, but might I ask that we stand down for a moment or two while I get clarity about that?
45

CHAIR: Thank you. I'll take a short break whilst that's happening.

Q. We will go through to it. Thank you. Can I ask that the pages be scrolled through to the next page and the next page? Pausing there, thank you, Mr Operator.

We see there a further version of the phases that we saw in the original document?

5

A. Yes.

Q. Then go through to the next page, please? We see under that page and the pages that follow where responsibility will sit for various aspects of the program. Your own Department appears on the next page, if we could go through to the next page, with a role in the accommodation phase, phase 3.

10

A. Yes.

Q. And so we see there at 3.5.2 that the role of DJPR, as it was understood, as the first people were arriving, was to manage accommodation contracts, manage private security contracts, organise reception parties to coordinate movement of passengers and capture and manage information relevant to special needs?

15

20 A. Yes.

Q. Then over to the next page, management of all services, so that's the evidence that you have given. Going back to the previous page and the reference there to the managing of accommodation contracts and security contracts, as far as you are aware that responsibility of managing those contracts remained with DJPR, certainly during the time you were involved and beyond; is that right?

25

A. It did.

Q. But you have given evidence of how decision-making about precisely how and when hotels would be stood up was something that became part of DHHS's function?

30

A. It did.

Q. Was this a document that you had access to on and from the time of 8 o'clock on 28 March?

35

A. I believe so.

Q. Was it a document to which you had frequent recourse? Was it effectively a manual for how the operation was to be conducted?

40

A. It was not a manual from my perspective. I think documents were created following this that articulated roles and responsibilities, so I guess this is a point in time of how roles and responsibilities were viewed.

45

Q. Okay. This document hasn't yet been tendered, Madam Chair, and as

I understand, material over which parties had concerns has been redacted. I tender version 1.0 Operation Soteria Plan, dated 28 March 2020.

CHAIR: Exhibit 035.

5

**EXHIBIT #035 - VERSION 1.0 OPERATION SOTERIA PLAN DATED
28 MARCH 2020**

10

MS ELLYARD: Thank you. That can come from the screen.

Ms Febey, you describe at paragraph 75 of your statement, in the section discussing the transfer of certain responsibilities to DHHS and whether or not, with the benefit of hindsight, that might have been done differently, what you say was:

15

.... trouble successfully getting DHHS to take on its broader control function in relation to security

20 Can I ask you what you mean by that?

A. We had a number of meetings early and exchanged emails with Health and Human Services around how we saw their role directing security, particularly because they were supporting authorised officers in the legal powers that they were exercising. But we didn't see Health and Human Services taking up that role as fully as we were seeking.

25

Q. With reference to the role that you saw security officers playing, you have referred to, and I ask that there be brought up a document DJP.102.001.3602. You have footnoted this and attached a covering email as well, which suggests that this is a document that was prepared by your Department?

30

A. It was.

Q. And made available to the Department of Health and Human Services as a suggestion for the way in which you saw the work of security guards being undertaken?

35

A. That's right.

40

Q. Thank you very much. That can come from the screen. It is tendered.

45

There is a point of distinction, as I understand it, to be made between who had contractual control over the security guards on the one hand and who could direct them in the course of their work on the other hand?

A. That's right.

Q. Am I right that that's the distinction that you are seeking to draw?

A. That's correct.

5

Q. And so although it was for the Department of Jobs, Precincts and Regions to ensure that contractual obligations were met, those contractual obligations in fact were to act in accordance with the directions of authorised officers, amongst other things?

10

A. That's right.

Q. But that's the view you had. What could you say about the extent to which that was the view you understood DHHS to have about their power to control or direct the work of security guards?

15

A. We raised this with Health and Human Services a number of times in the early days of work and then over the course of the first week I saw that appearing in documents that they prepared around roles and responsibilities, so I felt that they were taking on that role. But there were practical examples where it was clear to me that that still needed to be clarified. So as I left the role on 12 April, that was still a focus for us to ensure that that was clear in roles and responsibilities.

20

Q. Can I ask you some questions about communication issues, which you refer to at paragraphs 89 and following of your statement. Can I ask you to describe to the Board the process by which you first became aware that there were any returned passengers who had tested positive for COVID-19 and the issues that you saw associated with how you had come to learn of that positive diagnosis?

25

A. So the first confirmed COVID case that we had in quarantine, this was communicated by mention at one of the 1.30 pm daily stand-up calls, with the assumption that agencies should or probably already knew about it. It was the first time that our department and other departments and agencies on the call had had that information. I raised issues with the State Controller, Health and Deputy State Controller, Health about that. My view was that we needed a very clear and coordinated approach to communicating around COVID confirmed cases so that all agencies that had a role to play had the information that they needed to ensure a safe working environment and proper management of those issues.

30

35

Q. What was the outcome of you raising that issue? Was there any process agreed upon by which information like that would be conveyed?

40

A. It was agreed that information would be conveyed by the Deputy State Controller, Health to the relevant parties in a coordinated way and that that did come to be the case.

45

Q. May I ask you about personal protective equipment. At paragraphs 95 and

following of your statement you refer to a difference of opinion as between your Department and the Department of Health and Human Services about the extent to which staff on the ground at hotels should wear such equipment.

5 A. That's right.

Q. What was the view that your Department had about the extent to which people attending at the hotels should wear PPE?

10 A. Our view was that staff should wear PPE at all times when they were in the working environment, both to be cautious and also to ensure they felt safe.

Q. When we talk about PPE, what precisely are we referring to?

15 A. I'm referring to masks and gloves.

Q. Did you come to understand that DHHS had a different view?

A. I did.

20

Q. What was that view?

A. The view that was expressed to us by Health and Human Services was more with a view to conserving the use of PPE so that non-medical staff should, as much as possible, use social distancing as a principle by which they managed infection control and PPE should only be used in circumstances where those other measures weren't possible.

25

Q. Who had the final say as between DJPR and DHHS on that issue? Was it an issue that needed a resolution?

30

A. DHHS was responsible for instructing around the use and training with use of PPE, so yes, they had the final say.

35 Q. Did your Department thereafter act in accordance with the guidance that DHHS had given about that?

A. I would say that our staff still made choices to wear PPE in circumstances where they felt it necessary.

40

Q. From your point of view, that was an appropriate choice that they could make for themselves?

A. That's right.

45

Q. Was PPE made available to your staff who were required to be present at hotels or otherwise present in the presence of returned travellers?

A. There were some challenges accessing PPE in the very early days, but yes, then PPE was made available.

5 Q. You refer in your statement to seeking advice from DHHS about issues connected with cleaning.

A. Yes.

10 Q. Are we right in understanding that cleaning was an area too where DHHS was regarded as having authority or potentially expertise?

A. That's right.

15 Q. What were the particular cleaning issues that arose from your perspective in dealing with the hotels?

A. That we needed clear advice around how hotels would be cleaned at the end when a passenger left, whether they were a non-confirmed or confirmed case, but also what
20 the protocols should be in cleaning the shared spaces in a hotel, so practice principles around whether there should be a clean at a particular regularity or after particular movements, so we were seeking advice on all those specific details.

25 Q. Do you feel you received specific advice about those things?

A. We received generic advice about those things. We were often pointed to information that was prepared for other types of environments, whether they be health or non-health settings, but we were seeking advice tailored to the quarantine environment.

30 Q. Can I ask you to unpack what you mean by the quarantine environment? What was different about the quarantine environment compared to the more generic settings that the advice you received were referable to?

35 A. After the first confirmed case of COVID, the view expressed then was that we should consider that all people in the quarantine environment had COVID. That view changed over time. But what we were seeking is specific advice as to, in quarantine, where you had people moving that may be infected, you didn't know, people who were confirmed and you did know, what are the right practices and approaches to
40 take to make sure that infection control is managed through cleaning.

45 Q. As at the time you handed over responsibility to your successor, is the Board right in understanding that you hadn't yet received, to your satisfaction, targeted advice about the particular way in which those matters should be dealt with?

A. We had not.

Q. Was it something that you kept any line of sight over afterwards, as you moved to the broader role that you have described in your statement?

5 A. I didn't have a particular line of sight to advice around cleaning after I exited the leadership role.

Q. But your successor in the role will be in a position to speak to those matters?

10 A. She will.

Q. Can I ask you to turn to paragraph 113 of your statement? Indeed, just get you to reflect on, in the light of the evidence that you have already given about the kind of cleaning that you wanted, what you saw in the time you were in the role as the impact of the absence of the kind of advice that you wanted?

15 A. The impact of not having the advice around cleaning was that we didn't feel that we could support Health and Human Services in appropriately managing risks in the quarantine environment, so sometimes issues would be escalated to us after the fact around movements of people who were COVID confirmed and the need to have
20 cleaning in place. But given we didn't have the advice around what protocols were needed or when and where people were being moved, we felt we weren't able to proactively support in managing those risks.

25 Q. I asked you earlier about whether or not at the time the transition from your Department as lead agency to the Department of Health and Human Services as lead agency you had a view about which agency it should be and you said you didn't have a view. May I ask you, if it had stayed with Department of Jobs, Precincts and Regions, do you feel able to comment on the extent to which the structure of the program would have been any different?

30 A. I don't feel able to comment or speculate as to how it would be different, no.

35 Q. If it had stayed with you, for example, would there still have been a role for DHHS in the issuing of Detention Notices and the management of people in detention under the *Public Health and Wellbeing Act*?

40 A. That's right. Health and Human Services would still have held the legal powers under which people were detained and they still would have had a range of expertise and knowledge that would have been needed in the delivery of the program.

45 MS ELLYARD: Madam Chair, those are the matters that I have for this witness. I have had a number of matters raised with me over the course of last night and early this morning, some of which I think may have been dealt with already. But might I invite firstly Dr Hanscombe, who I understand has an application to make in relation to a specific issue arising from the evidence this witness.

CHAIR: Yes, Dr Hanscombe.

DR HANSCOMBE QC: Thank you, Madam Chair. Yes, I do seek to ask a few questions on only one small topic. I don't think I will be more than five minutes.

5 CHAIR: No objection from you, Ms Ellyard, I take it?

MS ELLYARD: No, thank you.

10 CHAIR: Yes, Dr Hanscombe. Thank you.

CROSS-EXAMINATION BY DR HANSCOMBE QC

15 DR HANSCOMBE QC: Ms Febey, my name is Hanscombe and I appear for the Department of Justice and Community Safety.

I just want to take you back to one issue concerning that first meeting on 27 March. Can you cast your mind back there?

20 At paragraph 41 of your statement you say that meeting --- which I think occurred at about 4.30; is that right?

A. That's right.

25 Q. That at that meeting, it was presented to you as a fait accompli that private security would be the first line of security. That's your recollection?

A. Yes.

30 Q. That's why you say at paragraph 33(a) of your statement that that decision was communicated to you at that meeting. That's right?

A. Yes.

35 Q. You don't suggest, and recordings don't show, that that decision was made at the meeting, do you?

A. I don't suggest that.

40 Q. And in particular you don't suggest that Andrew Crisp had any role in making that decision, as distinct from coordinating the plan?

A. I don't.

45 DR HANSCOMBE QC: If the Board pleases.

MS ELLYARD: I have also had some notices of matters that are sought to be raised by Ms Harris on behalf of the Department of Health and Human Services, Madam Chair. Again, I don't oppose those matters being raised.

5 CHAIR: Yes, Ms Harris?

MS HARRIS QC: Madam Chair, would you like me briefly to go through the few matters I would like to raise or proceed with the matters that I have already raised with Ms Ellyard?

10

CHAIR: Just do go through those briefly with me, Ms Harris, please.

MS HARRIS QC: Madam Chair, there are some matters arising from Ms Febey's evidence about the DJPR role in the context of the broader emergency management framework and what that also means about the Department of Health and Human Services; matters about the views expressed about who was directing security or who should appropriately direct the security staff; some matters relating to use of PPE and infection control; and matters relating to the cleaning advice that was the subject of Ms Febey's evidence.

15
20

CHAIR: Yes. Thanks, Ms Harris, I'll give you leave to proceed with those questions in those areas.

MS HARRIS QC: Thank you, Madam Chair.

25

CROSS-EXAMINATION BY MS HARRIS QC

30 MS HARRIS QC: Ms Febey, I'll start with some questions about your observations about positions in the emergency management framework. Is it the case that I think you said you weren't at the time familiar with the Emergency Management Manual; is that the case?

35 A. That's right.

Q. You referred to the Deputy State Controllers Chris Eagle and Scott Falconer, and you said they were from the Department of Environment, Land, Water and Planning. I think you made a reference to them being Department of Health and Human Services staff for this purpose. Was that your understanding?

40

A. My understanding was that they were acting as part of the health operation.

Q. That's really in the context of the Emergency Management Act and the emergency management framework, isn't it, rather than any movement of those people into the employment of or otherwise being seconded, for example, to that department; it's just a title that they assumed for the emergency management process?

45

A. That's my understanding.

5 Q. Thank you. Ms Febey, you and your colleagues have given evidence about the very significant and substantial work done by staff of the DJPR in the Hotel Quarantine Program or in fact some of that evidence is still to come from your colleagues. From your evidence, we understand that that includes the process of contracting with hotels and activating the hotels to receive the returned travellers. That's one part of the DJPR activities that they undertook in the program, isn't it?

10

A. Yes.

15 Q. You also refer to the fact that the DJPR was involved in contracting the ancillary services that were necessary in the context of the hotels. That includes, for example, security; is that what you include in your reference to "ancillary services"?

A. Yes.

20 Q. And cleaning?

20

A. Yes.

25 Q. And then provisioning for food and groceries, whether through the hotel itself and the contractual requirements that DJPR included in its contracts with hotels or in other services provided to returned travellers; is that the case?

25

A. Yes.

30 Q. And you have also given some evidence about the call centre function. Is that the 1800 number that was identified for returned travellers when they returned to Australia and they were given some information about a 1800 number they could call?

30

35 A. The Government support service, yes.

35

Q. Obviously there were some broad responsibilities there and you wouldn't suggest that in performing those roles the DJPR staff didn't take responsibility for what they did in those roles, would you?

40

A. They took responsibility for their work, yes.

45 Q. And in those particular roles, it wouldn't be the case that when you suggested that the Department of Health and Human Services would, in assuming the control agency role, assume all the risk and accountability? You wouldn't be suggesting that the DJPR staff in performing those roles would no longer have any accountability for them, would you?

A. In terms of risk and accountability, the conversation that I had with Jason Helps at the very start around their role and function as a control agency was precisely that they did hold the risk and accountability and that's why they needed to be making decisions.

5

Q. But you wouldn't suggest, for example, that DJPR staff who were performing roles in, for example, activating the hotels or even in their contract management roles then had no responsibility for what they were doing in those roles, would you?

10 A. They absolutely had responsibility for what they were doing in those roles as part of the operation.

Q. Thank you. In your evidence I think you mentioned that you held the view that security guards should really be under the direction of authorised officers and that you advocated in some way that that should be the case. Have I understood your evidence correctly?

15

A. That's right.

20 Q. That was very early on, shortly after the initial meetings; is that right, around 28 and 29 March?

A. There were some meetings between members of my team and DJPR and also members of the DHHS team in those initial days around, yes, that being our view.

25

Q. And ultimately it was after that, that DJPR entered into contracts with security firms, wasn't it, after that time?

A. Those discussions continued after we had entered into the contracts.

30

Q. The contracts, for example the contract with Unified Security Group, they don't reflect any suggestion that all instruction must be taken from authorised officers, do they?

35 A. I wasn't involved in the specific conversations around contracting the security firms so I'm not best placed to speak to the detail of that.

Q. I understand. So when the contracts referred, for example, to escalation of issues and identified a range of agencies or entities that issues should be escalated to, that wasn't a matter that was within your knowledge at the time?

40

A. What was in my knowledge at the time was the work that I was doing to support members of my team in talking with Health and Human Services about how we saw those roles and functions with relation to security, how we had briefed security in an initial sense, and then what we expected of Health and Human Services in terms of finishing those briefings with security, and that's the types of documents that you have seen in my statement.

45

5 Q. When it came to contracting, would you be aware that what the Department identified as matters that needed to be escalated to either the Department of Health and Human Services-appointed authorised officers or nurses, were described as guest health relation requests or concerns? Or nothing broader than that?

A. Again, I'm not best placed to speak to that level of detail.

10 Q. I understand. It's certainly impossible to be across all the documents.

If I can move on to another aspect of your evidence. Although you weren't aware of the detail of the contracts and you certainly weren't responsible for preparing those or having them signed, were you aware of the care that your Department took to ensure that they were adapted to the hotel quarantine environment by, first, for example, requiring that the security firms were responsible for ensuring that their staff were trained in not only security and customer service, but risk management, including in relation to COVID-19?

15 A. So, again ---

20 MS CONDON QC: I hesitate to interrupt, Madam Chair. It is Julie Condon on behalf of DJPR. Ms Febey has said a number of times that she is not apprised of the details in relation to the contracting, so I must object to any further cross-examination of this nature.

25 MS ELLYARD: Could I perhaps add, Madam Chair, I'm conscious that Ms Harris isn't in a position to know this, but it is proposed to call next week someone who was the person who engaged in contractual negotiations and who had responsibility for contract management. So there will be a witness coming who has that degree of detail, if those are matters that she, on behalf of her client, would seek to raise.

30 CHAIR: From the Department of Jobs, Precincts and Regions?

MS ELLYARD: Yes, indeed, the person who negotiated and then supervised the particular security contracts.

MS HARRIS QC: I won't press that matter further, in that case, Madam Chair.

40 CHAIR: Thank you, Ms Harris.

MS HARRIS QC: Putting aside the contractual arrangements, Ms Febey, are you aware that in practice --- and this may not be a matter that unfolded in the course of your involvement up to 12 May --- but communications, for example, with hotel managers and with security company representatives were expected to be through DJPR rather than Department of Health and Human Services?

A. I think on the last day of my time in the role there was a security incident that was

managed in the way that you have described.

CHAIR: Which was 12 April, as I understand it, Ms Febey, rather than 12 May?

5 A. Apologies, 12 April.

MS HARRIS QC: I may not be aware of exactly the incident that you are referring to, but even after that time when there were matters relating to some unsatisfactory reports about security guard behaviour, it was in fact after a report from Department
10 of Health and Human Services staff to DJPR that took very prompt action to raise that matter with the security company, with the result that a subcontracted agency was dismissed. Were you aware of incidents like that later in the program?

15 A. I'm not best placed to speak to the detail of what took place.

Q. I understand. I understand that you weren't responsible, Ms Febey, for any contract with security firms. But when you expressed some concern about whether staff were wearing appropriate levels of PPE, are you aware of anyone within DJPR trying to have the security companies comply with their obligations to provide PPE
20 for their staff?

25 A. What I can say is in the early days of standing up the hotel quarantine, we were seeking that PPE be provided for everybody in the hotel quarantine space and we asked that that include people who were contracted security.

Q. In respect of any use of PPE and conduct of security staff with respect to social distancing, are you aware of any queries by members of your Department as to whether the required --- the training that was required under contracts with security firms had been enforced?
30

A. I'm not aware of any queries.

Q. If I can move to the matters that were raised in respect of cleaning, you have given some evidence that it was a matter that was a source of perhaps some frustration, can I can put it that way, that you didn't get advice very specific to the hotel quarantine environment. Now, it's the case, isn't it, that you were all involved in standing up a new hotel quarantine system that hadn't been in existence before the first flight of returned travellers on 29 March, isn't it?
35

40 A. That's right.

Q. But one could look at a hotel quarantine environment and say that there was perhaps some parts of the hotel that might require a certain degree of cleaning and other parts, having regard to the potential for COVID-positive guests, that might require a different standard of cleaning. Is that correct?
45

A. Different standards would be required for different parts of the hotel, yes.

Q. Is it your view that what you were looking for with respect to those parts of the hotel that might have a COVID-positive guest in it needed to be more of the nature of the sort of cleaning advice that would apply in a health setting, a health care setting?

5

A. What we were seeking advice on was not what might be required in a health setting, but what would be required in a quarantine setting. So in that particular environment, what should be done.

10 Q. In fact, in April, on 8 April, Mr Hogan of the DHHS did send through two different documents to you in relation to cleaning; one specific document in relation to cleaning and disinfecting to reduce COVID-19 transmission in non-health care settings. Do you recall that?

15 A. I do.

Q. And another document that was Case and Contract Management Guidelines for Health Services in General Practitioners, which was a more general document, but Mr Hogan pointed out that it contained some information about environmental
20 cleaning and disinfection at one part of that document.

A. Yes.

Q. Do you remember that?

25

A. I do.

Q. In fact, that advice as to cleaning and disinfection in the health services in a general practitioner setting referred, for example, to cleaning of a patient consultation room or inpatient room using a neutral detergent and then disinfection undertaken using a chlorine-based disinfectant, for example, sodium hydrochloride, at a minimum strength of 1,000 ppm, or any hospital-grade TGA listed disinfectant with claims against coronavirus. You may not recall that degree of specificity, but are you aware that when Professor Grayson gave some evidence earlier in this hearing, he
30 talked about cleaning and in fact said that in environments where they may have been exposed to a person with COVID, the process would involve, first, a cleaning with detergent, but then a cleaning with bleach at 1,000 parts would be the sort of cleaning that he would be recommending. So that advice that was provided by Mr Hogan would be consistent with that requirement?

35
40

A. I'm not aware of the detail of that evidence.

Q. Thank you. I don't need to take that matter further. If I can just check my instructions?

45

MS HARRIS QC: There's nothing further I would like to ask this witness, Madam Chair. Thank you very much, Ms Febey.

A. Thank you.

5 MS ELLYARD: Madam Chair, I have had an indication from Ms Robertson of an application arising, I think from the evidence that Ms Febey has given this morning. Might I invite her to make that application, if it is still on foot?

CHAIR: Yes, Ms Robertson.

10 MS ROBERTSON: Madam Chair, there is just one matter that I wish to clarify in relation to the evidence Ms Febey has given with respect to the communication around the detection of positive COVID-19 cases.

15 CHAIR: Yes, I'll allow you to proceed with that question.

CROSS-EXAMINATION BY MS ROBERTSON

20 MS ROBERTSON: Ms Febey, you gave some evidence earlier in respect of the section of your witness statement at question 30, paragraphs 89 and following with respect to communication around detection of positive COVID-19 cases. I believe, if my note is correct, that you said that the Deputy State Coordinator of Health agreed with you that he would communicate to relevant parties about positive COVID-19
25 cases when they had been confirmed. Is that correct?

A. The Deputy State Controller, Health, yes.

30 Q. You then said that you believe that happened. I just want to clarify with you, it's not your evidence, is it, that you can say definitively that that happened, is it?

A. I can't say definitively.

35 Q. Thank you very much, Ms Febey.

MS ROBERTSON: That's the only question, Madam Chair.

CHAIR: Thank you, Ms Robertson.

40 MS ELLYARD: I don't have any questions in re-examination for Ms Febey, Madam Chair, so if there is no one else with an application? But I see Ms Davidson, so I think there is.

45 MS DAVIDSON: I seek leave to clarify one matter only and it relates to some evidence that was given that suggested that there had been a directive given by Mick Grainger to engage private security, and that is a matter I seek to clarify.

CHAIR: Yes, Ms Davidson, I will grant leave for you to do that.

CROSS-EXAMINATION BY MS DAVIDSON

5

MS DAVIDSON: At page 403 of the [draft] transcript, line 45, you were asked in relation to the engagement of private security companies about what your understanding was of a directive coming from the first meeting. You stated in an answer:

10

I understood that Mick Grainger had given that directive and in conversation with Andrew Crisp. If I can correct what I'm saying, no, so the specific discussion about contracting was Andrew Crisp asking who would take that up and I said that we would, based on the directive that security be engaged.

15

In your witness statement you have extracted --- at paragraph 41 of your witness statement there's an extract, the relevant conversation has been extracted. Have you got your witness statement, Ms Febey

20

A. I do.

Q. Would you accept that Mr Grainger did not give a directive that private security be engaged, he stated that it would be the preference of Victoria Police that private security be the first line of security?

25

A. So at the first part of the conversation he talks about it being a preference and we discussed there being a need to agree the details of that. But the later conversation with Mr Crisp is definitive and is to my mind a direction.

30

Q. A direction from Mr Crisp, though?

A. No, it's Mick Grainger indicating a direction from Victoria Police around how they see the enforcement regime.

35

Q. Where is that in the discussion?

A. So that's the excerpt in my statement, which is at paragraph 41.

40

Q. Where do you say Mr Grainger has given a directive to engage private security in there?

A. He says that private security is to be the first line of security. So Mr Crisp states it and then Mick Grainger affirms that.

45

Q. Where it says "private security be the first line of security", that's prefaced by the

words, isn't it, "I understand the preference of Victoria Police, or the Chief Commissioner, is that private security be the first line of security". And Mr Grainger says, "Yes, absolutely, that's our preference". But there is nowhere there that suggests that police are directing you to engage private security?

5

A. But my state of mind in that meeting is that Victoria Police is the decision-maker around the enforcement regime and they have indicated that security should be the first line. But then as I say in my statement, there are still details to be resolved then about who will do what within that overall regime, but security is to be engaged.

10

Q. In fact, even prior to this meeting you had identified that private security was likely to need to be engaged?

15

A. That's in my statement, that we absolutely had that as a working assumption.

Q. And the reality is that, from police's perspective, they aren't security guards as such and that there was some degree of security could be done by private security. Would you agree?

20

A. I can't comment on their state of mind.

Q. But your view was that some aspect of security could be done by private security?

25

A. That was my working assumption, coming into the meeting.

Q. And you identified that you would have --- you would take it up with Mr Grainger and have a follow-up conversation with him?

30

A. I did.

Q. And you didn't have that conversation?

A. I did not.

35

Q. Thank you. I have got no further questions.

CHAIR: Thank you, Ms Davidson.

40

MS ELLYARD: Nothing further from me, Madam Chair.

MS CONDON QC: Sorry, Madam Chair. I wonder if I might have leave just to ask Ms Febey one question that arises from the cross-examination of Ms Robertson?

45

CHAIR: Yes, I could see Mr Craig on behalf of Wilson appears to also want to raise something, and given that this is your client, Ms Condon, perhaps you would prefer to go after him?

MS CONDON QC: Indeed I would. Thank you, Madam Chair.

MR CRAIG SC: Thank you, Madam Chair. The witness was asked a question about appropriate PPE and the views of DJPR and DHHS. One question that was not
5 asked, which in my submission I would seek leave to ask in the circumstances, is whether either the position of DJPR as known to Ms Febey or DHHS as known to Ms Febey was based on independent medical advice?

A. We were relying on --
10

CHAIR: Just before you go on. Ms Ellyard, nothing you want to say about that line of questioning?

MS ELLYARD: No, if you would be assisted by it, Madam Chair, I don't object to
15 that question being asked and answered.

CHAIR: Thank you. Proceed, Mr Craig, I'll give you leave to ask that question.

MR CRAIG SC: Thank you, Madam Chair.
20

CROSS-EXAMINATION BY MR CRAIG SC

MR CRAIG SC: Ms Febey, do you recall giving evidence about the competing
25 views between DJPR as you knew them and DHHS as to the use of PPE?

A. I do.

Q. Was the position taken by DJPR based on independent medical advice?
30

A. We were relying on the advice of Department of Health and Human Services as to the appropriate use of PPE.

Q. And so you deferred to their view on the appropriate use of PPE ultimately?
35

A. We did.

Q. And to your knowledge, was that position based on independent medical advice?
40

A. I don't have any knowledge of that.

Q. Thank you.

MR CRAIG SC: No further questions, Madam Chair.
45

CHAIR: Thanks, Mr Craig. Yes, Ms Condon?

MS CONDON QC: Thank you, Madam Chair.

5 **CROSS-EXAMINATION BY MS CONDON QC**

MS CONDON QC: Ms Febey, I want to ask you some questions to clarify what you have been asked about paragraph 41 in your statement.

10

A. Yes.

Q. It was suggested to you about why you say that Mr Grainger had given a directive to engage in private security at the meeting on 27 March. Your response was that you said that Mick Grainger said private security is to be the first line of security. Correct?

15

A. Yes.

20 Q. Once Mick Grainger had made it clear that that was Victoria Police's preference, did Mr Crisp then say:

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

25

Is that what he said to you?

A. He did.

30 Q. So when you used the word "directive" in your evidence, is that based upon your understanding of what Mr Crisp said to you towards the end of the meeting?

A. That's right, the decision had been made and we had been tasked.

35 MS CONDON QC: Yes. Thank you, Ms Febey. Thank you, Madam Chair.

CHAIR: Thanks, Ms Condon.

Ms Ellyard, anything arising out of any of that for you?

40

MS ELLYARD: No, thank you, Madam Chair. In the absence of anyone indicating any further desire to ask Ms Febey questions, I'll ask that she be excused.

As she is being excused, may I just indicate perhaps for those assisting you, Madam Chair, that I have had raised with me the possibility that there should be some small redaction made to Exhibit 34 and we can deal with the matter offline but if those assisting you in the publishing of exhibits can take note that we will review that

45

document before it is made public. But that's not a matter that needs to detain Ms Febey so I'll ask that she be excused.

5 CHAIR: All right. There are no further matters to raise with Ms Febey, I will excuse Ms Febey. Thank you for your attendance at the Inquiry, Ms Febey, and you are now excused.

A. Thank you.

10

THE WITNESS WITHDREW

15 MS ELLYARD: Madam Chair, the next witness is available, but I'm in the Board's hands as to whether we should proceed or take a short break.

CHAIR: If you are right to proceed, Ms Ellyard, we will keep going up until the lunch break.

20 MS ELLYARD: I call Katrina Currie.

CHAIR: It appears as if Ms Currie might be in place, although I can't yet see that the camera is on with respect to Ms Currie.

25 MS ELLYARD: Yes, that's my understanding. I think Ms Currie is present but the logistics for her camera and microphone are being organised.

CHAIR: Ms Currie, are you able to see and hear me?

30 MS CURRIE: I can, Madam Chair.

CHAIR: I'm sure you understand for the purposes of you giving evidence you are going to be asked to take the affirmation. I call on my associate now to administer the affirmation to you, before handing you to Ms Ellyard. Thank you, Madam Associate.

35

KATRINA MARIE CURRIE, AFFIRMED

40

EXAMINATION BY MS ELLYARD

MS ELLYARD: Thank you, Madam Chair.

45

Q. Ms Currie, can you hear me?

A. I can, Ms Ellyard.

Q. Your full name is Katrina Marie Currie?

5 A. It is.

Q. Your present occupation?

10 A. I'm a public servant. I'm Executive Director for employment in the Inclusion Branch of the Department of Jobs, Precincts and Regions.

Q. [indistinct]

15 A. I can't hear you, Ms Ellyard.

Q. By --

A. Sorry, you cut out for a moment there.

20 CHAIR: We are just --- your microphone looks like it's on mute, Ms Ellyard, for some reason. That's better. You are still on mute.

MS ELLYARD: Thank you, my apologies, it was the ear pods going defunct. I apologise, Ms Currie.

25 You have made a statement which responds to questions put to you by the Board, which is dated 24 August 2020.

A. I have, yes.

30 Q. Have you got a copy of that statement in front of you?

A. Yes, I do.

35 Q. Are the contents of the statement true and correct?

A. Yes, they are.

MS ELLYARD: I tender that statement, Madam Chair.

40 CHAIR: Exhibit 036.

EXHIBIT #036 - STATEMENT OF KATRINA MARIE CURRIE

45

MS ELLYARD: Ms Currie, in your statement you refer to by way of footnoting a

number of documents comprising emails and other documents to which you have had reference for the purposes of making your statement.

5 A. Yes, I have, yes.

Q. And that you wish to have included as part of the evidence that you are giving to the Board today?

10 A. Yes, please.

MS ELLYARD: Madam Chair, I tender the bundle under file B, under Ms Currie's name in the hearing book, being the bundle of documents referred to in her statement of 24 August.

15 CHAIR: Yes, that will be exhibit 037.

EXHIBIT #037 – ANNEXURES TO KATRINA CURRIE'S STATEMENT

20 MS ELLYARD: Ms Currie, you describe in paragraph 8 of your statement your role in the Department and in relation to management of contracts for employment programs and related work?

25 A. Yes.

Q. Could I ask you to explain a little bit more, what is the name of the work that you ordinarily do for the Department, before we come to the question of the precise role you played in the quarantine program?

30 A. So I'm Executive Director for Employment Programs, and for employment policy. I manage a team of around 30 to 35 people who are delivering employment programs for the State of Victoria. That includes three key elements. One is the delivery, the actual contract management and delivery of the employment programs on behalf of
35 the State; it is work that is undertaken in policy, employment policy; and there's also work on employer engagement, to work with employers on a regular basis.

Q. So you work in an area of the Department that assists with programs to find people jobs, if I can put it in that really broad way?

40 A. Yes, essentially.

Q. That's the role that was the substantive role that you were performing until you were asked to take on an additional task for a short period of time, as you have
45 described in your statement, to take certain actions with respect to the Hotel Quarantine Program?

A. Yes. I was actually on secondment at the time to Working for Victoria, which is a program which has been established to support people who have been COVID impacted, and lost their work, to find new work.

5 Q. What kind of processes or policies were in place as at the end of March for Working for Victoria to try and get people jobs?

A. Working for Victoria was only just being established, it wasn't properly in place at that point. So it was very much a case of setting up a program. I think it actually
10 kicked off on 1 April. So it was in the establishment phase and setting it up.

Q. At paragraph 12 of your statement you refer to the fact that you had been significantly involved in the creation of the Working for Victoria platform and you have an understanding that the reason you were asked to perform the particular roles
15 that you were asked to perform was because people thought that you would have contacts, as it were, because of the work you were doing in Working for Victoria?

A. In Working for Victoria, but also the work I did in employment more broadly. So, yes, contacts across business, because of the work in leading an employer
20 engagement team with rich and deep knowledge of employers across the State, including, potentially, private security firms.

Q. As the Board knows, the particular role that you played in the Hotel Quarantine Program was the initial contacting and contracting in an informal sense of private
25 security companies to assist the Hotel Quarantine Program. Had you, as part of your work either with Working for Victoria or in your substantive role, had particular dealings with security companies?

A. Me, not directly. But certainly the employer engagement team would have had
30 some connections into security firms in their day-to-day roles.

Q. Would that be connections in the sense of having previously worked to try and place people or establish programs for the placing of people in employment in the
35 security industry?

A. Yes.

Q. So the work wasn't so much contact with the private security companies as recipients of their services, it was rather work with them to enable them or encourage
40 them to take on workers?

A. Exactly, yes.

Q. So had you yourself had any connection in the context of your work at the
45 Department with recruiting or engaging security?

A. No, I hadn't.

Q. And so although you were approached with the view that you would be likely to have knowledge, you didn't have personal knowledge yourself of who security companies might be who could be contacted?

5

A. No, I didn't.

Q. But would we be right in understanding that those working with you or under you did have information that they were able to offer you about who might be available to provide security?

10

A. So that employer engagement team, led by a manager called [Redacted], that team, containing at that time I think about 10 to 12 staff, had extensive relationships with businesses across a range of different industries, including private security.

15

Q. At paragraph 11 of your statement you refer to first becoming aware that there was to be a Hotel Quarantine Program established, and as I understand it you found out just after midday, before the official announcement by the Premier?

A. Yes, there was an email that came to me from Alex Kamenev, who is the Deputy Secretary for Recovery. That email came through and in that email I think it was that it was envisaged that there might be a need, it wasn't confirmed. It was dependent upon Government policy around whether or not security and cleaning actually would be required. That was about quarter past 12, I think.

25

Q. Was it later on that day that you became aware that there was to be a particular approach made for the obtaining of private security?

A. That was very late that day. It was actually after 10 o'clock at night, on a Friday night.

30

Q. Were you up at that time?

A. We had been working --- part of the context for what's --- where we were working at that point in time was most of us were working very long hours, very long days, and so yes, I was up and I was --- in the weeks preceding we were all of us working intensively around issues to do the pandemic. So, yes, I was up and I had my phone on and I also had my computer on, I was still working.

35

Q. So you describe at paragraph 13 that you were approached just after 10 o'clock at night and then instructed shortly after by Mr Nolan, the Executive Director of the Priority Projects Unit within the Department of Jobs, Precincts and Regions, to start working out how security firms could be ---

40

45

[Fire alarm announcement]

CHAIR: Ms Currie, it might not be clear to all of those people viewing these proceedings that we are all in completely separate locations. I'm assuming that that
5 alarm is now in the location that you are in; is that right?

A. It is, Madam Chair, yes. I don't think anything will happen with it, it's just --- they haven't made further announcements. I'm happy to persevere, if you would like to.

10 CHAIR: Yes. Perhaps if you are comfortable with that, Ms Currie, and up until some other escalation of that announcement happens, if you are, as I said, comfortable, we will continue.

A. Thank you.

15 MS ELLYARD: Ms Currie, I was drawing attention to paragraph 13 of your statement, in which you received a direction from Mr Nolan, an executive director within the Department of Jobs, Precincts and Regions to start working out how a supply of security services could be obtained?

20 A. Yes, I did, yes.

Q. Could I ask you to summarise for the Board, and it is set out at paragraphs 14 of your statement and following, what steps you took having been given that task by
25 Mr Nolan on the evening of 27 March?

A. So I contacted [Redacted], who is the manager for employer engagement, and asked for his and his team's advice on security firms that were --- I think the words I used were both large and good employers; good in the sense of paying award wages
30 and good conditions for staff. [Redacted] communicated, I believe through a WhatsApp group, with the rest of his team, and there were a number of people who participated in that WhatsApp conversation. [Redacted] texted me with the names of four companies that he believed could fulfil the parameters that I had asked, which
35 was being able to stand up a team very, very quickly, and large and good employers that could fulfil the requirements for the initial deployment of quarantine, which we had understood at that point needed to be activated by midnight the following night.

Q. Having been given those four potential names, what did you do next?

40 A. So I asked for contact details for the first two firms on the list, primarily because at that stage I did not have a clear understanding of how many hotels would be stood up or how much would be required. I got those contact details and I emailed Unified and Wilson between 11.30 and I think 11.52, actually, just a very brief email to both of those firms, from a contact person, or contact email that I had been given, asking
45 them for their assistance and to contact me urgently to discuss their capability in providing security to support the Hotel Quarantine Program.

Q. Just to be clear, how did you decide to contact those two rather than the other two on the list?

5 A. It was just a case of they were at the top of the list, so there was a list of four firms. The firms were, I think, Wilson, Unified, MSS and a firm called Monjon.

Q. You give some details at paragraphs 27 and 28 of, firstly, what you have just said; but then, secondly, what you are now saying was the basis on which you received the particular recommendations that you received from the employer engagement team.

10

A. Yes ---

Q. Were those you became aware of later or were those matters you were briefed with on the night when you were given the names?

15

A. I became aware later that that was their rationale for putting forward those firms.

Q. Perhaps if you could just summarise what you now understand to have been the rationale, and please by all means reference your statement, it's paragraph 28. What was the rationale, as you now understand it, for those assisting you giving you these three names?

20

A. So the team came back to me with those three names. Unified, they had recommended because the employer engagement team had previously received positive feedback about their performance in relation to the delivery of private security and they had recently --- they felt that that was reflected in the fact that they had been awarded large scale contracts, including with Metro Rail, and they had a positive impression of dealing with the firm. Wilson's was similar, so they felt that Wilson's was --- would have the resources necessary to assist the program. They had received positive feedback, particularly I think with regard to Wilson's work in disability employment and in particular the non-government disability sector. MSS they recommended because they regarded them as reputable, as in a reputable employer. And the final one, Monjon, again it was about capacity, I think. I can't recall the specifics surrounding Monjon.

25

30

35

Q. At the time you sought these recommendations and received them, were you aware that there was a panel of security providers who were part of a State Purchase Contract for security services?

40

A. No, I wasn't aware and neither was the employer engagement team at that time.

Q. When did you become aware that such a panel of what I'm going to call preferred suppliers existed?

45

A. It was on or around --- it was a couple of days after the first security firms had been deployed. At that stage I was told by [Redacted], who is the --- [Redacted] leads --- he is the manager in the policy team, that I asked to assist later on with the contracting

of the security firms. [Redacted] at that time told me that he had had advice that they were not --- Unified was not a panel provider.

5 Q. In your statement you go on to refer to what you now understand to have been the procurement policy that existed.

A. Yes.

10 Q. I will ask that the document be brought up. It is document DJP.006.002.0001. Have you now had your attention drawn to this document, Ms Currie?

A. I have, Ms Ellyard, thank you.

15 Q. And you had it drawn to your attention in the days following the work that you did over the weekend of 27 to 29 March?

A. Yes. Um ---

20 Q. Please go ahead.

A. Sorry, on the 30th, I think.

25 Q. In your statement you say how --- you describe coming to be aware that in fact in the circumstances facing you on Friday, you were at liberty to depart from the procurement policy.

A. I was, under the provision for what was essentially an emergency situation.

30 Q. I will just ask that the operator scroll through to section 11 of the document, which is on the second-last page. Can we go back in the document. The document we are looking at is page 19.

CHAIR: Is that the page you are after, Ms Ellyard?

35 MS ELLYARD: Do you see that, Ms Currie?

A. I do, yes.

40 Q. Is that the section of the procurement policy that you are referring to?

A. It is, section 11, yes.

45 Q. Is the Board right in understanding that it is your evidence that although you didn't know at the time that there was a policy that could be complied with, you have now come to understand that, firstly, yes, there was a policy; but, secondly, the circumstances facing you were such that the policy contemplated acting outside the panel arrangements?

A. Yes, that's correct.

Q. Thank you, Mr Operator, that can come from the screen.

5

As you describe in your statement, Ms Currie, and as you just said in your evidence, you sent out emails to representatives of Unified Security and Wilson Security and both of them responded to your emails the next morning?

10 A. Yes, very early the next morning.

Q. The first to respond was Unified?

15 [Fire alarm announcement: "Please resume normal duties."]

CHAIR: Indeed we shall.

20 A. Apologies for that interruption.

MS ELLYARD: So Unified was the first to respond on Saturday morning?

A. It was yes.

25

Q. Would it be fair comment that, they being the first to respond and given the urgency, you immediately progressed discussions with them with a view to them providing services for --

30 A. That's exactly what happened, yes.

Q. There was a conference call, as I understand it, later in the morning of 28 March which you participated in, together with representatives of other departments and Unified Security? Do you recall that?

35

A. No, I don't, I'm sorry.

Q. Do you recall having a number of discussions with Unified Security and with members of relevant departments during the day on 28 March regarding the way in which matters would progress in time for the arrival of hotel quarantine travellers the next morning?

40

A. I recall having conversations with Unified, telephone conversations, but I can't specifically recall a conference with other departmental --- or other departments and other departmental staff.

45

Q. Do you recall organising or being aware that Unified were attending a

walk-through of the relevant hotel where it was proposed that they provide services?

A. Yes, I do recall that. I think I handed over contact details for Unified to contact people on site for a walk-through.

5

Q. At the time you were having the conversations, firstly with representatives from Unified, and also on the 28th with representatives from Wilson Security, what did you understand to be the task that you were going to be organising them to perform?

10 A. So we had actually had conversations throughout the morning about the tasks for security personnel. There was a meeting that took place on the Saturday morning. At that meeting we discussed the fact that the security personnel would need to support the directions of the Chief Health Officer, that they would be operating in an environment where people were being detained. The instruction was that they were
15 to operate with empathy and compassion, because people were being detained not at their own volition, that they were to support DHHS and Victoria Police in undertaking the quarantine orders. There was a policy around making sure that they --- they couldn't actually restrain people, that was not part of the policy, they had to make sure that they were able to deescalate any issues and identify if there were
20 any concerns and convey those concerns to DHHS and/or Victoria Police.

Q. Was it that understanding that you carried with you in the discussions that you had with Unified and Wilson on 28 March?

25 A. Yes. So a document was being developed, it was under development, Cam Nolan was preparing that document in collaboration with DHHS, about the role and responsibilities of security personnel.

30 Q. Can I ask you about what you understood to be the numbers of security personnel that were going to be required? At the time you had your initial conversations with Unified and with Wilson, did you have an understanding of the nature and extent of the security services that were going to be required, in terms of numbers of people?

35 A. Not really. We had sort of an initial idea that there would be maybe three or four hotels. In the discussions I had with Unified, they had indicated immediately that they could provide 20 staff. That was very early on. And then said that they would have capacity to provide a further 100 over the next few days. Wilson's, the discussion was really around, you know, what staff they could provide. And I think following a further discussion about the hotels to be allocated, Unified clarified that it
40 could provide I think 30 at the first site and 45 at the second site. That was by the Saturday evening. And Wilson was allocated one hotel at that point and said they could provide 27 staff at that point.

45 Q. So that's how many they could provide. How were decisions made about how many were needed?

A. At that stage we were working that out with the hotels. So that's why the

walk-through was important because at that stage we had --- each hotel was different. So we had to understand, you know, the risk for people absconding and whether there were sufficient personnel, security personnel, to monitor the floors in which people would be placed. So each hotel being different meant that a walk-through was
5 required to work out how many points of exit there were, to figure out how many floors might likely be filled. It was those kinds of considerations.

10 Q. You say at paragraph 23 of your statement, and as you have just said, that you received some indicative numbers from Unified and Wilson.

A. Yes.

15 Q. Are you able to say whether or not the demand for security services was larger than that and what the outcome was of the walk-through with respect to how many security guards were deemed necessary?

A. Not directly, I can't speak to --

20 Q. The Board has got evidence that suggests that it turned out that in order to staff the hotels commencing on the 29th, a substantially larger number of security guards ended up being required than had been originally anticipated. Is that something within your knowledge?

25 A. Yes. So they started --- well, once they did the walk-through, they came back with what they felt was appropriate numbers to cover the different rates of --- or the different floors, and knowing which floors people would be placed into. At that stage I think they were still gathering information on passenger manifests and how many rooms might be required as well.

30 Q. Do you know who the final decision-maker was about how many security guards would be needed in a particular hotel?

35 A. No, I'm sorry, I can't answer that. It was done in consultation with --- I believe it was done in consultation with each site and looking at arrangements for each site, so each one would have been unique.

Q. Was there a role for Victoria Police in assessing how many security guards were required, as far as you know?

40 A. As far as I know, part of the walk-through, I believe, would have involved Victoria Police. But I don't know the detail of that, Ms Ellyard. You would probably have to ask one of the other people involved on site. I wasn't on site at any point.

45 Q. As we understand from paragraph 23 of your statement, and no doubt given the exigencies of the situation, you under authority from the Secretary of your Department, Mr Phemister, informally, in the sense of verbally, engaged both Unified and Wilson to provide security services at the first three hotels to be established. Is

that right?

A. That's correct, yes.

5 Q. You also had, on 29 March, discussions with what became the third provider, MSS Security?

A. Yes, that's correct.

10 Q. But you didn't engage them in that informal sense over that first couple of days?

A. No, at that stage we still didn't know the scale of hotel quarantine and how many hotels would be activated.

15 Q. Can I invite you to look to paragraphs 36 and following in your statement in which you give evidence about the discussions you had with the representatives of each of the three, what I'll call, head security contractors. Just to be clear, firstly, when we speak about your discussions, we are speaking about discussions that you had effectively over the weekend of 28 and 29 March, or did they proceed over a longer
20 period?

A. No, it was over the weekend of 28 and 29 March.

25 Q. Was the purpose of those discussions to assess their availability and suitability to provide security services to the Hotel Quarantine Program?

A. Essentially, yes.

30 Q. And you refer at paragraph 37 to a requirement that their personnel would need to undertake the Commonwealth COVID-19 training?

A. Yes. So --

35 Q. How did you become aware of that?

A. So under Working for Victoria, because we were looking to employ people in the pandemic scenario, I had done a bit of research around making sure people were aware of health and safety issues with regard to COVID, and I had come across the Commonwealth website and felt that, you know, it provided at least a basic
40 understanding of infection control around COVID. So I asked that the security firms ensure that before their staff were deployed, that they had undertaken that online training. It had the advantage of being readily accessible in an online environment and at that stage there wasn't a lot available.

45 It was --- if you think about the timing, it was March, so it was still, I think --- the pandemic and our knowledge of it was still developing. So originally I had identified that training, that online training, as part of my work for Working for Victoria and

thinking about risk mitigation for people who might take up work that Working for Victoria might organise.

5 Q. In those initial discussions with each of the three contractors, occurring variously over 28 and 29 March, did you discuss the extent to which security contractors would need to wear personal protective equipment?

10 A. I did. I asked all of those firms. At that stage PPE was in very short supply, not just in Victoria but across the country. So I had asked all of those firms to ensure that they had a supply of PPE, personal protective equipment, and that they were to ensure that their staff had access to PPE as part of the rollout of the program.

15 Q. Do you recall there being any pushback or concern expressed by any of the security companies about the appropriateness of that obligation being put on them?

20 A. I don't recall pushback exactly. I think my recollection is that Unified indicated they had more than sufficient supply of PPE. Wilson said they could supply it, but they were thinking to the long term as well, so they were thinking about if their supplies got lower, that they would need support in accessing PPE. And I think, from recollection, MSS also made comment on the fact that they may need support in accessing PPE.

25 Q. You mentioned in your evidence earlier that in asking those assisting you to provide you with recommendations for security companies, one of the criteria was whether or not they were good employers who would pay award wages.

A. Yes.

30 Q. Did you have any knowledge or any view about the extent to which the payment -- there were bad employers in the security industry? Was that something within your knowledge?

A. No, I didn't have any knowledge of that.

35 Q. It was more a general concern that you had that any contracting done on behalf of the Government should be to reputable employers?

40 A. Exactly. So this was a key focus, both for Working for Victoria and the Jobs Victoria program that I previously was involved with, and where I hold my substantive position. So in working in those domains we wanted to ensure that people were paid award wages and at least award wages, and that they were paid all the appropriate entitlements.

45 Q. You say at paragraph 39 of your statement that you recall making it expressly known to each of the three firms that it was imperative that staff were directly employed.

A. Yes.

Q. Why was that imperative, in your view?

5 A. It was --- direct employment was making sure that they were responsible for the staff and that they were able to guarantee award wages, that the wages would be appropriate. The terminology of "direct employment" was about making sure that they were employing people appropriately.

10 Q. Did that of itself exclude them using subcontractors, in your mind?

A. I didn't think that they would use subcontractors. Part of the reason I was asking about award conditions was making sure that they were --- you know, if they were directly employing them, they would be responsible for ensuring they were paid
15 appropriate rates. Yes --- sorry, I've lost the ---

Q. That's okay. I was just wanting to understand, when you used the term "direct employment" did you mean an employer/employee relationship as between each of these three contractors and all of the security guards who provide services or did you
20 have in your mind the possibility that they might be engaging people through subcontracting or labour hire?

A. I may --- the direct employment was absolutely about making sure that they were responsible for those people and they were employing them appropriately under the
25 appropriate awards and conditions.

Q. Did that mean necessarily whether they were full time or part time or casual?

A. I think I asked whether or not they were full time, part time or casual. In an email
30 I sent to all of the firms, I referenced that and asked for confirmation that they were employing people, and the conditions under which they were employing them.

Q. In your view, was it a material difference between whether or not people were permanent staff or casuals?
35

A. No, because you can employ people casually and ensure they receive the same entitlements. Permanent staff --- my understanding of employment programs means that I'm aware of the differences between different forms of contracting. Permanent staff is preferable because they tend to be --- have a longstanding engagement, but
40 there are instances of course where employers take on people on casual contracts. But permanent and ongoing employment was preferred.

Q. You have produced as part of your witness statement some notes which include, as I understand it, the notes that you took during at least one of the conversations that
45 you had with each of the three head contractors.

A. Yes.

Q. I'll ask that the notes be brought up on screen. It is DJP.208.002.0074. Is this your handwriting, Ms Currie?

5 A. It is.

Q. These are extracts of notes made by you over the course of this extremely busy weekend?

10 A. Yes, it is.

Q. And if I can ask the operator to go past of the first page to the second page, do we see there a reference to Unified Security and a reference to a couple of hotels which were in fact the first hotels at which guests were to be quarantined?

15

A. Yes, that's correct.

Q. And then over to the next page what appear to be further discussions with Unified Security; is that right?

20

A. Potentially, or that may have been --- it is hard to tell because it looks like it's a combination of different notes.

Q. Then the next page there's a heading "Wilson's". Are these notes of a conversation that you had over that weekend with a representative of Wilson Security?

25

A. Yes, I assume them to be that.

Q. There's a reference there under the words "Supply partners" to subcontractors, and then there are some names?

30

A. Yes.

Q. Does that reflect a discussion that you had at some point with someone from Wilson's about their use of subcontractors or the potential use of subcontractors?

35

A. Yes, it did, I think. I had to remind myself, Ms Ellyard, because I had no recollection of the conversation, so I went back to my handwritten notes which indicate there was a conversation at that point with them.

40

Q. Similarly, I think there's one more page, Mr Operator, and indeed another page after that, where there's a reference to MSS Security. Do you see that?

A. I do.

45

Q. Similarly, there's a reference to preserving the subcontract network?

A. Yes.

5 Q. Again, have you had your memory refreshed by this about the possibility that although it has passed from your memory, issues relating to subcontracting were at least raised in that conversation?

10 A. They were. The context for that conversation was regional Victoria. At that stage we thought we might be standing up hotels in regional Victoria. You will see the note there that Ballarat would require a subcontract. And Geelong, MSS were saying they had a large direct presence. So my recollection around subcontracting was to do with the capacity to supply in regional Victoria. At that stage we had thought that we might stand up hotels in some of the larger regional sites, but that didn't end up proceeding.

15 Q. You have indicated already in your evidence that it was a case of the first person to answer your email on the Saturday morning was the company that ended up being tasked to stand up the first couple of hotels.

20 A. That's correct.

Q. When you engaged in --- when you authorised Unified to stand up those hotels, did you have any understanding of whether or not they were going to be sending employees or subcontractors?

25 A. I had understood that they were sending employees.

Q. Would it have made a difference to your decision to appoint them if you had known that they were going to be sending subcontractors?

30 A. I'm sorry, I can't speculate as to how my decision-making would have been influenced, given --- yes, I wasn't aware of the subcontracting arrangements so I don't think I can successfully answer that question.

35 Q. Are you aware that in fact at least some, if not all --- and I'll stand to be corrected on the precise percentage --- but certainly of the security guards sent by Unified to staff the hotels for those first couple of days, there were subcontractors amongst those staff?

40 A. I wasn't aware of that.

Q. You weren't until I just mentioned it or you weren't aware of it at the time?

A. I wasn't aware of it at the time.

45 Q. In paragraph 39 of your statement, and it is following on from the sentence that we just looked at about the reference to "direct employment", you refer to an email that you received from Unified and that email was part, I think, of the quote that they

provided you for ongoing work, in which they said that they had been able to recruit specifically for this task a total of 93 recently and long-term unemployed Victorians.

A. Yes.

5

Q. Am I right in understanding when you received that email you understood that to be a reference to people being employed directly by Unified to take up security positions in the Hotel Quarantine Program?

10 A. I did. The term "recruited" implied to me that they were being directly employed.

Q. Perhaps going back to the questions that I asked you before about what this role was, and without wishing to be disrespectful to the 93 people involved, was this a role, as you understood it, that was a role suitable to recruit people who might have
15 been out of the workforce for a very long time, to be put up within 12 or 24 hours to provide security services at hotels?

A. I didn't read that paragraph in the way that you've read it, Ms Ellyard. I read it as a paragraph about their longstanding relationships with Jobs Victoria. Given the
20 timeframe in which these staff had to be deployed, I anticipated that they would use people who they already had on their books, who may have been stood down. Actually, I think I asked questions later on about whether or not --- the status of people who were being put into these roles quickly. But it was very much about --- I had anticipated that he would use people who were either already working with
25 them, who could be redeployed from other areas, or people who may have been stood down but were able to be rapidly re-engaged.

Q. Given your role working with Working for Victoria, was the possibility of the Hotel Quarantine Program providing employment for people one of the things that
30 you had in mind?

A. Only as a kind of secondary consideration. So because of the timeframe, because of the urgency, I had anticipated that people would need to be employed already and stood up quickly. It was a 24-hour window to get people in place. I didn't see it as an
35 employment program of the sort that I was used to managing because I would have assumed that people needed to be available and ready and redeployed to this particular task. So I didn't see it as an employment program of the sort where people would need to be recruited over an extended period of time. Most recruitment takes weeks or months.

40

Q. Can I ask you some questions now about paragraph 45 of your statement, Ms Currie. You were asked about what continuing role you had beyond the very busy weekend. You explain in that paragraph that your work was generally directed towards obtaining an exemption so that Unified could be engaged. We have talked
45 already about the fact that you later came to understand that in fact you didn't need to get a formal exemption under the procurement policy because this had been an emergency, if I understood you correctly?

A. Yes, that's correct.

5 Q. And you have attached --- you have referred to the fact that there was a need for Trades Hall to be comfortable with Unified continuing to be engaged. What was the context of Trades Hall's interest?

10 A. We were liaising with Trades Hall. Trades Hall were a partner in Working for Victoria so we were liaising with Trades Hall generally to make sure that they were aware of the work we were doing with private businesses across the board. It was, you know, just a general direction for Working for Victoria that we liaise with Trades Hall.

15 Q. But was it only Unified that you needed to check in with Trades Hall about, or did you need to check in with them about Wilson and MSS as well?

A. We checked in on all providers.

20 Q. Can I ask that a document be brought up, which is DJP.125.002.6162.

Can I indicate, Madam Chair, I am almost completed with my questions of Ms Currie but I have had notice of a couple of applications which may or may not be persisted with, given the questioning that has already happened. I mention that now because I notice the time. I don't know whether it would be useful to get a sense of the extent to which we would require Ms Currie for any substantially longer period or whether we are nearly finished with her. I take it there is a difficulty about the production of that document.

30 CHAIR: Whilst we are waiting for that document, yes, Mr Craig?

MR CRAIG SC: Thank you, Madam Chair. I can indicate that in respect of my application I would require Ms Currie for about 10 to 15 minutes of cross-examination.

35 CHAIR: All right. Ms Robertson?

MS ROBERTSON: Yes, Madam Chair, I can indicate that I will probably require Ms Currie for five to 10 minutes.

40 CHAIR: All right. Given that, Ms Ellyard, it might be sensible to perhaps take the lunch break now and that document that you are wishing to be brought to the fore can also be arranged. I will just explain to Ms Currie what's about to happen.

45 MS ELLYARD: Thank you, Madam Chair.

CHAIR: Ms Currie, I'm not sure if you were following that exchange as between counsel and myself. We normally take the lunch break between 1.00 and 2.00 and it

is only a couple of minutes to 1.00 now. And both Mr Craig on behalf of Wilson Security and Ms Robertson on behalf of Your Nursing Agency are indicating that they wish to ask you some questions, and Ms Ellyard is having the operator locate a document that she wants to ask you about, which means rather than waiting for that to happen, given we are not going to be able to finish with you before lunch, we will take the lunch break now and we will return to you at 2.00.

A. Thank you, Madam Chair.

10 MS ELLYARD: Thank you, Madam Chair.

CHAIR: I will go off screen now, Ms Ellyard, and return at 2.00.

15 MS ELLYARD: If the Board pleases.

ADJOURNED

[12.58 PM]

20 **RESUMED**

[2.00 PM]

CHAIR: Yes, Ms Ellyard. Ready to proceed?

25 MS ELLYARD: We are. Thank you, Madam Chair.

Ms Currie, can you see and hear me?

30 A. I can, Ms Ellyard.

Q. Thank you. Just before the lunch break, when we were defeated by technology, I wanted to take you to a document and I think the error was mine when I read out the number, so let me try again. Can I ask that the document be brought up as follows: DJP.125.002.8162. And can I ask that the bottom half of the page be made more visible to the witness?

Ms Currie, I know you've mentioned Mr Kamenev before. Can I ask you just to confirm who Mr Kamenev, the author of this email, is?

40 A. Alex Kamenev is the Deputy Secretary for Recovery in DJPR.

Q. Okay. And this is an email that was sent to you and to Mr Round on Monday, 30 March, 2020?

45 A. It is.

Q. Do you recall receiving this email?

A. I do.

5 Q. And as I understand it the email relates to the issue we were discussing before lunch, about the need to have some sort of contact with Trades Hall about the use of Unified?

A. Yes.

10 Q. And indeed it appears that all three names have been given to Trades Hall, but the potential concern was about Unified.

A. Yes, that's right.

15 Q. Is that your recollection?

A. Yes.

20 Q. Can I just ask the operator to scroll down a little bit so that the witness can see the bottom of the email. Do you see the second-last paragraph there, there's a reference to the fact that it's too disruptive to move Unified out of Crown now that they're there?

A. Yes.

25 Q. Was that a view that you held?

A. Yes.

30 Q. Would you have been the source of that information for Mr Kamenev? Would he --- do you know whether he heard from you that that was your view, that Unified needed to stay at Crown because of disruption?

35 A. Yes, and others who were on the ground, who were working with them on the ground.

Q. Okay.

A. But --

40 Q. But had Mr Kamenev --- sorry, go ahead.

A. Sorry. We'd had positive feedback, I think very early on, about Unified's performance from DHHS and others on the ground.

45 Q. Okay. So this is on the Monday, the 30th, so the day after work had commenced?

A. Yes.

5 Q. And Mr Kamenev goes on to say in that penultimate paragraph, "You can reassure him" --- and I take it that "him" is a person associated with Trades Hall whose name is redacted for present purposes?

A. Yes.

10 Q. --- "we're picking from the other three for now for other work." Do you recall that being discussed, that although Unified would stay with their initial allotment, they wouldn't be selected necessarily for further work?

A. That's my recollection, that they be kept to just that site.

15 Q. Can I then direct your attention to the final paragraph.

A. Yes.

20 Q. Was that a view that you held?

A. Wilson had been, I think, in the early deployment, difficult. Yes.

25 Q. Can I ask you to be a little bit more specific about the form that difficult-ness took, as you perceived it or as you recall it?

A. I think it was to do with their willingness to do things that, you know, the bag searches and that kind of thing. It was an initial impression.

30 Q. As I understand the evidence before the Inquiry, as at Monday, 30 March, Wilson hadn't started providing security services yet. Am I correct in that?

A. I assume so, yes. I think --- yes, okay.

35 Q. So are you able, as you sit here now, to recall what, if anything, you were aware of that led you to have the view that that distinction could be drawn, between the way Unified had presented and the way Wilson had?

40 A. I think --- no, I can't. It was to do with their responsiveness and issues to do with the range of different things that they wanted covered off beforehand.

Q. Okay. The final sentence there, "Unified employ loads of Jobs Victoria clients". Was that the case, as you understood it, that Unified had employed Jobs Victoria clients in the past?

45 A. That's why they came to our attention, that they were --- so the Working for Victoria team had said that they had employed Jobs Victoria. So Working for Victoria had actually --- the team, the employer engagement team had said that they

were operating with Jobs Victoria on a sort of regular basis, both Wilson's and MSS and Unified had come through to us because of their relationship into that employer engagement team.

5 Q. You will recall I asked you before lunch about whether or not job creation was a factor that you had in your mind in the way the setting up of the security team was approached, and you said that it wasn't a dominant consideration. That last sentence there on that page, was that a view that you held yourself, that continuing to engage Unified served a broader purpose because they were employing the clients put
10 forward through the employment programs run by your Department?

A. It's a --- yes, in a secondary consideration, but as I said, it was a very quick deployment so it was very much about trying to get people who were ready to go and on the ground from day one. So it was very much about people who were already
15 working or redeployed. And in the conversations, both with Unified and Wilson, it was about the capacity to redeploy and stand up a team within a 24-hour period.

Q. So if we go to the top of this email where we see the reply email that's come back to Mr Kamenev's email --- can I ask the operator to scroll up --- it seems that you
20 were copied into the reply?

A. Yes.

Q. And as I understand it, this reflects that the relevant executive director had spoken
25 to the relevant person from Trades Hall?

A. Yes, they would have. Yes.

Q. Do you know whether or not in fact in the conversation that was had, the person
30 from Trades Hall was told, "It's okay because Unified employ lots of Jobs Victoria people"?

A. I don't know. I can't speak to that.

35 Q. Can I ask you just on this question of the Unified contract to take you --- thank you very much, Mr Operator. That can come down from the screen. It's already an attachment to Ms Currie's statement.

40 Can I ask now that you be taken to a final document, Ms Currie, which is an email chain also on this question of the circumstances in which Unified came to be engaged. The document is DJP.156.001.8404. And, Mr Operator, when you bring it up, I'll ask you to scroll down through the document to the page that ends in 8405, so just the next page. And can I ask that the bottom half of that page be brought up.
Thank you.

45 Ms Currie, do you know who [Redacted] is?

A. Yes. He works in the procurement area of the Department.

5 Q. So this is an email sent by him on Tuesday, 31 March, in which he raises some concerns with [Redacted], who you've mentioned before, as the person who you passed over responsibility for contract negotiation and management to.

A. Yes.

10 Q. And some information is sought about why Unified is engaged instead of State Purchase Contract providers?

A. Yes.

15 Q. And if Mr Operator could scroll up to the top of that page, it appears that [Redacted] sought input from you about the circumstances in which Unified came to be engaged?

A. He did.

20 Q. And [Redacted] refers to the fact that he thought that you might have received a referral from AED. What's AED?

A. It's the Aboriginal Economic Development Unit, within the inclusion group.

25 Q. Okay. And was that where the referral or the suggestion of Unified had come from?

30 A. No. It came from the employer engagement team in a series of WhatsApp exchanges that they had, and in fact I wasn't aware that they were an Aboriginal-owned and controlled firm until a few days later.

35 Q. Can I just ask that you be taken to the first page of the exhibit, where we see your response. We'll just bring it up a little bit more. On that question of your knowledge about them being Aboriginal-owned, it appears that you knew that by the time you wrote this email?

A. Yes.

40 Q. How had you become aware of that, do you recall?

A. [Redacted] told me. He told me, I think, on the Monday. I was unaware before then.

45 Q. So when you say in the penultimate paragraph of your email in the section that's been bolded, that their utilising them is in keeping with special procurement objectives, was that in fact a factor that had been in your mind when you contacted them and engaged Unified?

A. No.

5 Q. But it was something you felt added to the picture of why it was appropriate to provide, as at that time, you thought you needed an exemption from the State Purchase Contract arrangements?

A. Correct.

10 Q. The last question I wanted to ask you, Ms Currie, you've explained in your statement that you handed over responsibility for contact with security companies and the negotiation and settling of contracts to [Redacted] in the week following this busy weekend that we've been speaking about?

A. Yes.

15 Q. Did you have any further role in an oversight or managerial capacity in decision-making relating to security services in the Hotel Quarantine Program?

A. Beyond 1 April?

20 Q. Yes.

A. No.

25 Q. So did [Redacted] report to you in his role as the person negotiating and then managing those contracts?

A. No. I shadowed him for about a week while he handed it over, but he didn't report to me on those.

30 Q. So did you have any role as the weeks and months went by in determining how subsequent hotels should be allocated as between the three firms with whom contracts had been signed?

35 A. No, I didn't.

Q. Thank you very much, Ms Currie. Those are my questions.

40 Madam Chair, I've had notice of applications from those representing Unified Security, MSS Security, and Wilson Security. Might I call on Mr Craig for Wilson first. He was the first one to let me know about his application.

45 MR CRAIG SC: Thank you, my learned friend. Madam Chair, there are two broad topics on which I'd like to briefly examine. The first is the evidence regarding communications on 28 and 29 March with representatives of Wilson as recorded at paragraphs 39 and 40 of Ms Currie's statement. And the second topic is the evidence that's been given around the retention of Unified and the interrelationship with

Wilson, and in particular the email on which my learned friend examined most recently, DJP.125.002.8162.

CHAIR: Yes, I will grant leave for you to examine in those areas, Mr Craig.

5

MR CRAIG SC: Thank you, Madam Chair.

CROSS-EXAMINATION BY MR CRAIG SC

10

MR CRAIG SC: Ms Currie, can you hear me clearly?

A. I can, thank you.

15

Q. Ms Currie, you've given evidence to the Inquiry that you were responsible for 30 to 35 people at this time?

A. No, that was --- I was on secondment to another area.

20

Q. Okay. So how many people did you have directly reporting to you as at the end of March 2020?

A. I can't recall specifically. It would have been maybe five or six at that point.

25

Q. Okay. And you've given evidence that there was a degree of urgency in pulling together the quarantine response?

A. Absolutely, yes. It was --- yes.

30

Q. And you were working long hours over that period, I presume?

A. I was.

35

Q. Yes. And I take it it was a highly stressful period for you?

A. I would assume so, yes. I think it was for everybody.

Q. Yes. And am I right in also saying that in preparing this witness statement, you have exhausted your recollection as to the events and matters, as best as you can recall them, the subject of the Board's Inquiry?

40

A. Yes. I've reminded myself through notes where I can, but as you describe, it was a pretty intense period.

45

Q. And I'm right in saying, aren't I, that where you have no direct independent recollection, you have been solely reliant on your notes and emails for the purpose of

recounting the matters the subject of your evidence?

A. That's correct.

5 Q. And I'm right in saying, aren't I, that when taken to the page of your notes where supply partners and subcontractors were referred to with respect to Wilson, your evidence is that you have no recollection of discussing subcontractors with Wilson?

A. I don't have a recollection of it apart from the context of the notes.

10

Q. Yes. And can I ask for those notes to please be brought up. I'll give you the document reference number. DJP.208.002.0074. If we go to page 4 of the notes, please, ending 77. There we go, that's it.

15 You will see there there's a reference to "Wilson's", Ms Currie?

A. There is, yes.

Q. And your notes record "Supply partners".

20

A. They do.

Q. About a third of the way down the page, "Subcontractors, Newforce", is that SBL or SPL?

25

A. I think it's SBL.

Q. And Rapid Security.

30 A. Yes.

Q. Do you accept there that what was being communicated to you was the identity of a number of subcontractors?

35 A. Yes.

Q. And do you accept that this was the first time you'd ever heard of the group Nu Force because you spelt it incorrectly?

40 A. Yes.

Q. And do you also accept that Nu Force were appointed as subcontractors to provide security services with Wilson as on 30 March 2020?

45 A. I know that from you telling it to me, but I wasn't aware at the time.

Q. There's no suggestion in your notes anywhere that you told Wilson's that they

were precluded from engaging subcontract labour.

5 A. I didn't issue instructions precluding anybody from using subcontract labour. I think, as I've said to Ms Ellyard, I didn't comprehend that subcontracting was the way the industry worked. And in fact I know from the contracts that subcontracting is permitted, it's not, you know, prohibited. It's just that I didn't understand that the firms were using subcontractors.

10 Q. Thank you. And do you accept, though, having regard to this note, that at the very least the possibility of subcontractors, including the specific identity of some possible subcontractors, was communicated to you over the weekend of 28 and 29 March 2020?

15 A. Yes.

Q. Your imperative was to ensure that those that were employed were employed at above --- at or above award rates, wasn't it?

20 A. That's correct.

Q. Yes.

A. And I think there's an email from Wilson's to that effect.

25 Q. Yes, which says that those people engaged would be paid at the higher of Wilson's Enterprise Agreement or the relevant SSI award. Do you recall that?

A. That's correct. Yes, I do, yes.

30 Q. And do you accept that only employees could be paid under the Enterprise Agreement?

A. I would accept that, yes.

35 Q. And so the reference to the award rate was at least an implicit indication, the SSI award rate, an implicit indication that labour would be also sourced elsewhere?

40 A. It's implicit to you, but at the time I was dealing with a whole range of matters, so my interest was whether or not people would be paid award conditions.

Q. Yes. Thank you.

A. So --- yes.

45 Q. And so when you say in paragraph 39 of your statement "imperative" that people were directly employed and paid at the relevant award rates, you're not seeking to convey to Madam Chair that you conveyed that subcontracting was not permissible?

A. No. At no point did I direct contractors that they couldn't subcontract, I think because I didn't comprehend that subcontracting would be a standard mode of operating in the industry.

5

Q. Yes. Thank you. I think the accurate position is that you didn't turn your mind to the question of how the security providers would rapidly deploy staff to provide security on a rolling basis across a range of hotels at short notice?

10 A. No, but I had had conversations with all of the providers on their capacity to supply, and if you see the top of my notes, there's a reference to --

Q. Please answer my question. I'm not asking you to --

15 A. Sorry.

Q. Your understanding was, you didn't turn your mind to the question of how they would secure the relevant labour to provide security staff on rolling shifts across a range of hotels?

20

A. I did insofar as asking them their capacity to provide.

Q. Yes, but you didn't enquire as to the manner in which those security staff would be provided?

25

A. No.

Q. Your concern, and I'm not criticising you, Ms Currie, I'm just trying to clarify, your concern was just to ensure they were paid properly?

30

A. Yes.

Q. And so looking at paragraph 40 of your statement, the final sentence, in light of the passage I've just taken you to, would you like to revisit that evidence?

35

A. Sorry, which is it?

Q. The final sentence of paragraph 40.

40 A. "My notes do not record that subcontractors would be necessary in order to provide private security services at the hotels at which it would be nominated to provide private security services within the Melbourne CBD."

Q. Yes.

45

A. My understanding of that was that they were --- the conversations based on my notes were to do with the regions, not --

Q. Just pausing there, Ms Currie. There's nothing on this page that suggests --

CHAIR: Mr Craig, just let me hear the rest of the answer, please.

5

MR CRAIG SC: Thank you, Madam Chair.

CHAIR: Keep going, Ms Currie.

10 A. I had --- when I went back and checked my notes because I had no recollection of the conversation around subcontracting, it was in regard to regional sites. So there's a note on the same pad a couple of pages in where it talks about Wilson's capacity to supply in regional locations, and the same with MSS, so the capacity to supply in regional locations and the lack of capacity to supply directly in those areas.

15

MR CRAIG SC: Ms Currie --- sorry, have you finished your answer?

A. Yes.

20 Q. There's nothing on this page that conveys --- recognising you've got no recollection, there's nothing on this page that suggests the discussion about subcontractors was in the context of the regions, on this page, is there?

A. No.

25

Q. And you've produced this note in chronological sequence to the Inquiry?

A. I did.

30 Q. And so when the regions come up in the course of the discussion as on the note pad, that's in respect of MSS further on in the note pad, isn't it?

A. Yes. Just to --- can I add to my answer there, which is that I was having similar conversations with all of the suppliers. So I drew that inference based on the similar
35 conversations I'd been having across all of the suppliers.

Q. But as I understand it, you've got --- you have no recollection of discussing subcontractors with Wilson, Ms Currie?

40 A. No, I don't. I'm entirely relying on my handwritten notes.

Q. Thank you. And so you must admit, at least of the possibility, that the discussion that's recorded on your note was not in relation to the regions?

45 A. Absolutely, yes.

Q. Thank you. Can I please now take you to a different topic, and ask you to look at

paragraph 30 of your statement.

A. Sure.

5 Q. Is there a reason you have not produced the email referred to in the first sentence of paragraph 30?

A. No. I think I have --- or maybe it's the 30 --- there is an email there, I think.

10 Q. Okay. So your recollection --

A. Maybe it --

Q. Sorry?

15

A. Maybe it was the 31st.

Q. So there's a possibility that that is an error, is it?

20 A. Possibly, yes.

Q. Okay. Can I ask you, Ms Currie, to please be shown DJP.106.004.3679. Ms Currie, I take it you carefully worked through this witness statement to ensure it's accurate?

25

A. Yes.

Q. And this is the email that you refer to in the third sentence of paragraph 30. Do you see that at footnote 26?

30

A. Yes.

Q. And so I'm correct, aren't I, to understand that this email followed communication to you by [Redacted] that Unified was not on the panel?

35

A. I assume so, yes.

Q. And so you learnt at some stage on 30 March 2020 that Unified were not on the panel?

40

A. I did.

Q. And at that point in time, Unified had not started or had just only started --- sorry, I'll go back. Wilson had only just started operating in the program?

45

A. Wilson had been --- they'd done their walk-through, I think, that day.

Q. So it was effectively their first day in the program?

A. Yes.

5 Q. And they had been responsive to your request at 11.30 pm on Friday night by responding by 8 am the following morning?

A. They had.

10 Q. So there was no question, on 30 March 2020, that they had not been responsive?

A. No.

15 Q. No. And there was nothing to cause you any concern as to the quality of their performance as at that time?

A. No.

20 Q. And in fact if you go to your statement at paragraph 27, you had been recommended to Wilson by the Manager, Employer Engagement, and your state of knowledge as recorded in paragraph 28(b) was that DJPR had engaged Wilson on a number of occasions because they'd had the necessary resources and had received positive feedback concerning Wilson's work in the non-government disability sector. Do you recall that?

25

A. Yes, I do.

30 Q. So when you go --- can we now please go to DJP.125.002.8162, and scroll down the page --- sorry, scroll up one more page, please, Mr Operator. I want to focus on the email at the bottom of the page there.

A. Yes.

35 Q. This is on the day that you've given evidence that you found out that Unified weren't on the panel.

A. Yes.

40 Q. And you've now given evidence that Wilson had been responsive. Do you recall that?

A. Yes.

45 Q. And that this was their first day?

A. Yes.

Q. And that there was no reason to doubt their performance or the quality of their performance as at this occasion?

A. No.

5

Q. No, and so what Mr Kamenev was doing was identifying the reason to communicate to the Trades Hall representative for engaging Unified in circumstances where Unified were not on the panel?

10 A. Yes.

Q. And you knew that at the time, didn't you?

A. Yes.

15

Q. Can I ask you to now please --- thank you. I have no further questions.

A. No, actually, sorry --

20 CHAIR: Go on, Ms Currie.

A. At the panel --- yes, I'd had a conversation, I think, with [Redacted] at that point. But this wasn't about them being on the panel. The conversation with Trades was about whether or not they were, you know, employing using award rates and so on. It wasn't about the State Purchase Contract for the panel.

25

MR CRAIG SC: Thank you. But there was no reason to, at this point, criticise or identify Wilson's performance as being unhelpful or proving difficult to work with?

30 A. No.

Q. And you accept, and you've given evidence to this effect, that you understood at the time that Mr Kamenev was not being accurate when he encouraged you to use those words?

35

A. Encouraged me to --- Mr --

Q. Or, sorry, the recipients of this email, yourself and the redacted person?

40 A. No. Sorry, I --- what was your question?

Q. Let me be clear.

A. Yes.

45

Q. When the email says, "You can be blunt and say Wilson have proven very difficult to work with and unhelpful", you recognised that that was not the truth, didn't you?

A. I don't think it's --- I don't know. At the time it was a flurry of emails, so --- I don't know. It was --

5 Q. You did not, at the time, consider it to be an accurate statement, having regard to your own personal knowledge, did you, Ms Currie?

A. No.

10 Q. And you had no reason to consider it to be a truthful statement, did you?

A. No.

15 Q. Can the witness please be shown DJP.106.003.1580? This is your handover exchange with [Redacted]; is that correct?

A. It is.

20 Q. Can we scroll down, please, on to the next page, please. You will see there you provide an update as to Wilson in the middle of the page?

A. Yes.

25 Q. Sorry, I should go back. If you scroll further down? Thank you. Here we go. You provide an update to [Redacted], do you see this, 2.24 pm?

A. Yes.

30 Q. You record to him that the Pan Pacific site is being offered to Wilson; do you see that?

A. I can't for a moment. Just give me --

35 Q. First main paragraph, Ms Currie.

A. Sorry, yes.

40 Q. This is less than 48 hours after Mr Kamenev has sent you the "Wilson are being unhelpful" email.

A. Yes.

Q. Do you see that?

45 A. Yes.

Q. Would you accept that if you truly believed that Wilson were being unhelpful, that

the Pan Pacific would have been offered to Wilson?

A. No.

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

CHAIR: Thanks, Mr Craig. That document --- sorry, Ms Currie, was there --- oh, no, it was you, Ms Ellyard.

10 MS ELLYARD: I'm sorry, Madam Chair. I was just going to indicate that I've also had notice of some questions sought to be asked by Ms Robertson on behalf of MSS Security. She's raised those matters with me.

15 CHAIR: Yes. Thank you, Ms Robertson. I apologise for earlier ascribing to you a client that you don't actually represent. My apologies, and of course I appreciate that you appear on behalf of MSS Security.

MS ROBERTSON: That's not a problem, Madam Chair.

20

CROSS-EXAMINATION BY MS ROBERTSON

25 MS ROBERTSON: I have some questions for you, Ms Currie. In your evidence earlier today, you gave some evidence about the PPE that you said would be required. Do you recall giving some evidence about that earlier today?

A. I did, yes.

30 Q. And when you were talking with Mr Adams, you recall that you had a call with Mr Adams on 29 March?

A. Yes.

35 Q. And Mr Adams will say that he in fact had three calls with you on that day. Do you recall there being more than one call?

A. I don't directly, but it wouldn't surprise me.

40 Q. And so his evidence will be that there was a call early in the day that was a short call. There was then a further call around lunch time that was interrupted very quickly after it began, and then there was a further substantive call in the afternoon.

A. Okay.

45

Q. You don't disagree that that happened?

A. I have to assume that that is correct.

5 Q. And I just raise this because in fairness to you, you've got some notes which you've prepared which you were taken to by Ms Ellyard and Mr Craig, and do you recall which conversation with Mr Adams those notes reflect?

A. No, I'm sorry, I don't.

10 Q. All right.

A. They're not time-stamped.

15 Q. In the calls that you had with Mr Adams about the PPE that would be required, it's true, isn't it, that there was nothing said in those calls to Mr Adams about how PPE was to be used?

A. No.

20 Q. And, indeed, there was nothing said about MSS being required to provide training about the use of PPE?

A. No, not as far as I recall.

25 Q. Yes. And that's right, isn't it, because the training that you referred to, you refer to in paragraph 37 of your statement, as being the training with respect to COVID-19 put out by the Commonwealth Government. That's right, isn't it?

A. Yes.

30 Q. And you say with respect to that training, in paragraph 37, that that training was not a matter that had been instructed to you, but rather was a matter that you'd personally considered would be prudent?

A. Yes.

35

Q. And that's consistent with your evidence earlier this morning?

A. Yes, it is. Yes.

40 Q. And further on in that paragraph, you say that you considered that that training was a minimum, as a minimum, it would be beneficial if private security guards had completed that training?

45 A. Before they started, yes.

Q. Yes, before they started. And what I want to put to you is that the words "as a minimum" are words that you put into your statement in preparing that for the

purposes of the Inquiry. They were not words that were put to Mr Adams at the time. Do you agree with that?

5 A. No, they --- I would agree with that, but I would add the context for the COVID training was so that security guards did not walk into a site without a basic understanding of, you know, infection control, and that we had anticipated that the security firms would be --- receive an induction from DHHS and be supervised on site accordingly.

10 Q. And that's in fact correct, isn't it, because you say as much in --- there's reference to that in an email from Mr Nolan to yourself.

A. There is.

15 Q. And I can take you to it if you need to. It's DJP.101.002.1076. Perhaps if the operator could bring that up. Do you recall that?

A. I do.

20 Q. And you will see there, about two-thirds of the way down the page, there's reference to the ideal model in Mr Nolan's mind would be a supply of security staff.

A. Yes.

25 Q. And they would work under the direction of an authorised officer from DHHS.

A. Yes.

Q. And that the DHHS team would induct the security guards.

30

A. Yes.

Q. And that's consistent with your understanding of the training that was to occur with respect to infection control and induction; is that right?

35

A. Yes. Yes.

Q. And if I can now ask you some questions, please, about paragraphs 38 and 39 of your witness statement. In paragraph 38, you refer to the fact that you asked MSS to provide a formal quotation?

40

A. Yes.

Q. And you asked them to set out the rates of pay that they were proposing. Do you recall that?

45

A. Yes.

Q. And they did in fact do that, didn't they, on 2 April?

A. I'm assuming so, yes.

5

Q. Can the operator please bring up DJP.110.001.4863? This is a lengthy document, but if we can scroll to the email, and it's at 4872. You will see there that there was some information provided to you about the rates of pay?

10 A. Sure, yes.

Q. That document can be removed from the screen now, please.

15 In paragraph 39 of your witness statement, you say that "none of Wilson Security, Unified Security" or, pertinent to my client, MSS Security, raised with you the possibility of subcontracting. Now, I think you've just agreed with my learned friend, and to the extent that you have, I'm not going to traverse this further, but you accepted the possibility that subcontracting was raised in the conversations you had with --

20

A. Yes.

Q. --- the various security companies. And in fact it's true, isn't it, that you did have conversations with MSS Security, Mr Adams, with respect to subcontracting?

25

A. I did. From the notes that I think you've been shown --

Q. Yes.

30 A. --- which I previously --- yes.

Q. Well, can I go to those notes now, please. It's DJP.208.002.0074.

A. Yes.

35

Q. If the operator could please bring up page 0079.

40 Now, you will see there, Ms Currie, that you have reference to, in the second subparagraph, "Preserving subcontract network, IR licensing, wage rates". Do you see that?

A. Yes.

45 Q. And you see above that, you have some information about "100 security x 2, personnel available now".

A. Yes.

Q. Mr Adams says that when he called you, the discussion that you had was a general discussion to start with about the fact that one site had been opened at Crown. Do you agree with that?

5

A. Yes.

Q. And that there were two other sites to follow. Do you agree with that?

10

A. Yes.

Q. And that they were going to be subject to confirmation of flights on Monday and Tuesday. Do you agree with that?

15

A. I have to agree with it, because, yes, I don't have a direct recollection. But, yes.

Q. Yes. And it was in that context that you asked --- you said to Mr Adams, "We're not sure where the hotels will be, but do you have staff available to be deployed immediately if we need to?" Do you remember that?

20

A. Yes, that would have been the nature of the conversation.

Q. Yes. And it was in that context then that you were asking then for assurances that the people that he had available would be paid in accordance with the award. Do you recall that?

25

A. Yes.

Q. Yes. And it's then, following that initial discussion, that you have the next part of the conversation, which is around preserving the subcontract network?

30

A. Yes.

Q. That's correct, isn't it? And Mr Adams says that he did in fact raise with you the fact that there would be subcontractors used, and you'd agree with that, wouldn't you?

35

A. Well, I have to go, as I said, on my notes. I've got no direct recollection of subcontractors being raised with me. I just genuinely don't have a recollection of it.

40

Q. Yes.

A. So I've presented my notes on the basis that the notes reflect there was a conversation held.

45

Q. Mr Adams' evidence will be that to the extent that he needed to deploy other staff beyond the "100 x 2" that are referred to there, bearing in mind that this was a rolling contract with a variety of hotels yet to be determined that might be engaged --

A. Yes.

5 Q. --- he says that he said to you that he would look to the MSS aviation business to source staff. Do you agree with that?

A. I can recall something like that, yes.

10 Q. Yes, and that he would also look to the subcontractors that MSS usually uses. Do you agree with that?

A. Well, I have to agree with it because it's in my notes. But like I said, I have no direct recollection. It was only after checking my notes that I found that.

15 Q. Yes. And he said to you, didn't he, that he would follow up the matters that he'd discussed with you in an email?

A. He did.

20 Q. Yes. And --

A. And there was an email.

25 Q. Can I ask, please, that the operator now bring up document DJP.110.001.4863. And if we could look, please, at page 4875. Do you see about two-thirds of the way down, Ms Currie, there's an email from Mr Adams sent to you on Monday, 30 March?

A. Yes.

30 Q. And would you like an opportunity to just peruse the bottom of that?

A. Yes.

35 Q. And then if we could turn the page, please, to the next page, and the second paragraph, you see there it says:

40 *We note your expectation all officers engaged for this work are remunerated in accordance with a valid industrial instrument which meets the requirements of the SSIA 2010.*

A. Yes.

45 Q. And you agree that it then says:

MSS Security engages directly employed staff under the MSS Security.... Enterprise agreement....

Do you see that?

A. Yes.

5

Q. And then a little bit further on, it says:

10 *With respect to our subcontract partners, our subcontracts stipulate the requirement to meet the SSIA requirements at a minimum.*

Do you see that?

A. Yes.

15

Q. And so Mr Adams made it clear to you that there was a possibility that subcontractors might be used, didn't he?

A. He did.

20

Q. Can I just then ask you, in relation to --- you gave some evidence this morning about the timing at which you became aware of panel providers. Do you recall that?

A. Yes.

25

Q. And I think Mr Craig asked you some questions about that earlier this afternoon also. And you said in your evidence both this morning and this afternoon that you believe you became aware of the panel providers on 30 March. Do you recall that?

30 A. I became aware of the State Purchasing Contract arrangements for MSS on the --- yes. Yes, around 30 March, I think.

Q. Well, there were some questions asked about whether you were aware of whether Unified was a member of the panel security firms. Do you recall that?

35

A. Yes.

Q. And I think that your evidence, and correct me if I'm wrong, but I think that your evidence was that --

40

CHAIR: Ms Robertson, can I just understand where you're going with respect to your client on this issue?

45 MS ROBERTSON: Yes. I think in fairness to Ms Currie, Madam Chair, that a document that will be tendered through my client's witness should be put to her because of the date that that document was created.

CHAIR: All right.

MS ROBERTSON: Perhaps if I just bring up the document, Madam Chair. It's
MSSS.0001.0013.0030.

5

CHAIR: I assume this is a document that's already been uploaded into the hearing
book, is it, Ms Robertson?

MS ROBERTSON: Well, I did raise over lunch with my learned friend Ms Ellyard
10 that it's a document that will be tendered with a witness later in the proceeding next
week. So I wasn't aware whether or not it's yet part of the hearing book or not. But
in any event, if it would assist matters, I could just put the matter to Ms Currie.

CHAIR: Do that, Ms Robertson.

15

MS ROBERTSON: Yes.

Ms Currie, there is an email --- sorry, a telephone text message communication that
Mr Adams says that he had with you on 29 March.

20

A. Yes. We were communicating on 29 March, yes.

Q. Yes, in which he made reference to the fact that they were the provider of security
for Crown and could provide security for Crown. Do you recall that?

25

A. Ah --- yes, I think so.

Q. And, as part of that communication, he indicated that he --- with respect of the
provision of security to Crown, that they would be willing to provide security to
30 Crown. And do you recall that you responded to that, you said, "We've already got
other people in place at Crown"?

30

A. I must have, yes. I assume that's correct.

Q. And he said, "I should point out to you that we're a member of the panel", and you
said, "Yes, I'm aware of that." Do you recall that?

35

A. Yes, but I --- actually, I don't recall that, but ---

Q. I just simply raise that ---

40

A. --- do you mean ---

Q. I simply say as a matter of fairness to you, and it may be earlier today, I don't
45 know --- the date you've given in your evidence was 30 March, and I just thought it
appropriate that you have an opportunity to comment whether it could have in fact
have been earlier than that?

A. My awareness that MSS was on a panel?

Q. Yes.

5

A. If I replied to that text in the affirmative, then I must have been aware.

Q. Yes.

10 A. But --- yes, I --- I don't recall specifically.

Q. Yes, all right.

CHAIR: Are there any other matters, Ms Robertson?

15

MS ROBERTSON: No, they're the only matters, Madam Chair.

MS ELLYARD: Madam Chair, Ms Alderson has given me notice of an application. I understand it relates also to subcontracting, but she has indicated to me it doesn't involve a repetition of matters already raised, and on the basis that it doesn't involve a repetition of matters already raised, I don't oppose her being granted leave in relation to subcontracting.

20

CHAIR: Yes, Ms Alderson.

25

MS ALDERSON: Thank you, Madam Chair.

CROSS-EXAMINATION BY MS ALDERSON

30

MS ALDERSON: Ms Currie, you have now accepted that, despite representations made at paragraph 39 of your statement, the possibility of subcontracting was raised with you by the security providers during the weekend of 28 to 29 March. Is that correct?

35

A. Based on the evidence from Wilson and MSS.

Q. Yes. And, Ms Currie, I'm going to suggest to you that Unified also raised the issue with you during a conversation that you had with Mr David Millward around 6 pm on 29 March.

40

A. I don't recall that, I'm sorry.

Q. I'll try and refresh your memory. Do you recall asking Mr Millward directly whether Unified had the capacity to self-deliver the project?

45

A. To self-deliver the project? I wouldn't have used those words.

Q. They're not words you would have used?

5 A. No, I would have assumed and I did assume that people were directly employing and standing up staff.

Q. So you never confirmed that with Mr Millward during any of your conversations?

10 A. Sorry, how do you mean "confirmed" it? Confirmed as --

Q. You've never asked him the question?

A. About whether he was subcontracting?

15

Q. Yes?

A. No, because as I think I've said earlier, I didn't appreciate that the industry operated in a way that included subcontracting. So I didn't ask him directly whether he was subcontracting, and he didn't volunteer the information to me.

20

Q. So you have no recollection of Mr Millward saying to you that regardless of size, the work would need to be subcontracted by all security firms engaged?

25 A. No, I have no recollection of that whatsoever.

Q. Ms Currie, I suggest to you that contrary to the evidence you have given, you did understand that subcontracting occurred in the security industry, and it's not only something you understood, but it's also something that you encouraged. And if I could ask the witness to please be shown --

30

CHAIR: Just hang on a minute.

MS ELLYARD: I'm sorry, perhaps the witness can be given the opportunity to answer that first, Madam Chair, before a document is put.

35

CHAIR: So, Ms Currie, the first part of that question was that it's being suggested to you that you did understand that subcontracting occurred in the security industry. It's been put to you that contrary to the evidence you've given that you didn't comprehend that this is the way the industry worked, that the proposition is being put to you that that's not so.

40

A. Well, I can only state again that I was unaware that that was the way the industry operated.

45

CHAIR: Thank you. And the second part of the proposition was that, as I understood it, you actually encouraged subcontracting.

A. Why would I encourage subcontracting? I have to answer that robustly, because I was keen to ensure that people were directly employed and paid the award rate. So I wouldn't have encouraged subcontracting.

5

CHAIR: Thank you.

A. It is --- sorry, can I just add? It is of course permissible to subcontract under the contracting terms, but I would not have encouraged it at all.

10

CHAIR: Thank you.

MS ALDERSON: Thank you. Thank you, Madam Chair. Out of fairness to Ms Currie, can I please ask that you go to paragraph 56 of your statement first before I take you to that document? Ms Currie, is it correct here you say that on 7 April, you introduced the CEO of Unified to the Chief Commercial Officer of ISS in relation to discussions concerning forming a partnership?

15

A. I did.

20

Q. And if the witness could please be shown now document USG.0001.0001.2789?

MS ELLYARD: I might enquire of Ms Alderson whether she's aware whether or not that document is already in the hearing book. If she hasn't drawn it to my instructors' attention, it may not be. But if it is, then that's good.

25

MS ALDERSON: I'll confirm. I understand that it has been drawn --

MS ELLYARD: Thank you.

30

MS ALDERSON: Thank you.

So, Ms Currie, can I confirm that that's a text exchange between yourself and Mr David Millward of Unified?

35

A. It is, yes.

Q. And down the bottom of the page, is it correct that you say:

40

*Hi David --- can you call me when you get a moment please?
Want to talk to you about ISS Security and potential for you subcontracting to them and/or potentially redeploying some of their airport security staff.*

45

Correct?

A. Yes.

Q. So, Ms Currie, it is correct, isn't it, that you're aware that subcontracting was occurring and that it in fact was necessary within this project?

5 A. I wasn't aware that subcontracting was happening at that point. I facilitated the
relationship with ISS knowing that ISS were looking to redeploy some of their
security personnel. So I facilitated the relationship, and I had a conversation with ISS
about whether they would like to work with Wilson or with Unified. They indicated
10 they would like to work with Unified, and so I referred --- I gave each the other's
contact information for them to pursue as they saw fit.

Q. Ms Currie, what you're suggesting in that text message is a subcontracting
relationship, is it not?

15 A. Yes. Yes.

Q. Thank you. I have no further questions.

A. Or a business-to-business redeployment of staff.

20

MS ALDERSON: Thank you.

CHAIR: Yes. The document can come down. Thank you. Ms Ellyard?

25 MS ELLYARD: I have no questions in re-examination. I pause for a moment just to
see whether or not Ms Condon has anything she wishes to raise with the witness. But
if she doesn't, I'll ask that the witness be excused.

MS CONDON QC: Thank you, Madam Chair. I do have one matter that I'd seek
30 leave to examine Ms Currie about. It concerns the issue of her notes that have been
put to her, so if I may ---

CHAIR: Yes.

35 MS CONDON QC: Thank you, Madam Chair.

CROSS-EXAMINATION BY MS CONDON QC

40

MS CONDON QC: If I may have DJP.106.001.9553 put before Ms Currie? No, I'm
sorry, Madam Chair, that's the wrong reference. It's DJP.208.002.0074. They're the
handwritten notes that have been shown to Ms Currie.

45 CHAIR: They're the notes you're after, Ms Condon?

MS CONDON QC: Yes. Perhaps if we go through, scroll through, please, a little bit

further. A little bit further. Yes.

5 Q. Now, Ms Currie, you see there that under the heading "Wilson's", you've made a reference to "Newforce, SBL, Rapid Security", and then you've made a note there of "subcontractors". Do you see that there?

A. Yes.

10 Q. Now perhaps if we can please go over the page to I think it's the final page of your notes, please. If we keep on scrolling down? There. Now, under the heading "Jamie MSS", you've made a reference to a number of security, and then you have "Regional sites, not Bendigo? Ballarat, Geelong, subcontract". And you've already given evidence that MSS had indicated to you that they had a direct presence in Geelong. Is that the case?

15

A. Yes, it is. Yes.

20 Q. So in relation to Wilson and MSS, your notes reveal something of the question of subcontracting, don't they?

20

A. Yes, they do. Yes.

25 Q. Why is it that your evidence to the Board is that the notes of your discussions with the private security firms raise the possibility of subcontracting in the context of delivering private security services at regional locations? Why do you make --- why do you draw that conclusion in relation to both Wilson and MSS?

30 A. Because if you go back in my notes, there's also a reference to regional sites that references Wilson as well. So I drew it in relation to --- I am just relying on those written notes. So I drew it in relation to MSS, because of the note there about Ballarat, and I drew the same inference back for Wilson's, because if you look further back in the notebook, there's a note about regional sites for Wilson's and the fact that they were unable to --- I think I've got a note that says something like "Wilson", you know, and lists four regional sites, "not able". So I think, because I am entirely
35 relying on those handwritten notes, I drew the inference that it was with regard to the regional sites.

40 Q. In other words, unrelated to any suggestion of supply in regional --- sorry, in the Central Business District of Melbourne; correct?

40

A. Yes, and at that stage, too, there were, you know, a limited number of hotels that we were standing up. So my understanding was that at the hotels that we were standing up, that people would be providing directly employed staff.

45 Q. Yes. Thank you.

A. I think that's why the subcontracting just didn't --- I didn't understand that the

industry did subcontract, and it didn't enter my thoughts because I had assumed that they were --- based on the other emails they'd sent through, that they were standing up and directly employing people.

5 MS CONDON QC: Yes. Thank you, Ms Currie.

Thank you, Madam Chair.

10 CHAIR: Yes, Ms Condon. That document can come down, thank you.

Nothing further, Ms Ellyard?

15 MS ELLYARD: No, thank you, Madam Chair. I ask that Ms Currie be excused as a witness.

15 CHAIR: Yes, Ms Currie. Thank you for your attendance, and you are now excused.

A. Thank you.

20

THE WITNESS WITHDREW

25 MS ELLYARD: Madam Chair, I understand the next witness is available. It may be that there's the short turnaround that there was last time in bringing her up on the screen. That's Ms Serbest. So we could wait for her to be ready or take a short adjournment. I'm in the Board's hands.

30 CHAIR: Perhaps if we can get an indication as to whether or not --- do you know the answer to that, Ms Condon? Is Ms Serbest ready and waiting and able to be linked in?

35 MS CONDON QC: Madam Chair, I understand if she's not right now, she will be very shortly.

MR KHAN: She's ready in 30 seconds.

40 CHAIR: All right. It's just that every time we go out of communication, it obviously takes a bit of time to get everybody recollected, so I would rather wait, Ms Ellyard, and just wait for the next witness to be connected.

MS ELLYARD: Of course.

45 MS SERBEST: Hi. I'm ready.

MS ELLYARD: We can't see you, Ms Serbest. Oh, there.

CHAIR: Ms Serbest, are you able to both see and hear Ms Ellyard and myself?

MS SERBEST: Yes, I can hear and see you both.

5 CHAIR: All right, thank you. It's necessary for the purpose of giving your evidence
that you take your solemn promise to tell the truth by way of the affirmation, as
I understand your preference. So for that reason, I'll hand you over to my associate to
administer the affirmation and then to Ms Ellyard once that's done. Thank you,
Madam Associate.
10

MS GÖNÜL SERBEST, AFFIRMED

15 CHAIR: Thank you, Ms Serbest. I'll now hand you over to Ms Ellyard.

MS ELLYARD: Thank you, Madam Chair.

20 **EXAMINATION BY MS ELLYARD**

MS ELLYARD: Ms Serbest, can you tell us your full name, please?

25 A. Gönül Serbest.

Q. And your present job?

A. Is the Chief Executive Officer of Global Victoria.
30

Q. You've made a statement in response to a request that was made of you by the
Board and the statement is dated 25 August; is that correct?

A. Correct.
35

Q. Have you got a copy of that statement in front of you?

A. I do.

40 Q. Are the contents of it true and correct?

A. Yes, they are.

MS ELLYARD: I tender that statement, Madam Chair.
45

CHAIR: Exhibit 38.

EXHIBIT #038 - STATEMENT OF GÖNÜL SERBEST

5 MS ELLYARD: Ms Serbest, in your statement you refer to by way of footnotes a number of documents that are emails or documents to which you've had reference in making your statement ---

A. Correct.

10

Q. I understand that you wish those documents to be taken together with your statement as the evidence that you're giving to the Board today?

A. Yes, thank you.

15

MS ELLYARD: I tender that bundle of material, Madam Chair, being the materials in folder B under this witness's name in the hearing book.

CHAIR: Exhibit 39.

20

EXHIBIT #039 – ANNEXURES TO STATEMENT OF GÖNÜL SERBEST

25 MS ELLYARD: Ms Serbest, you set out in the early paragraphs of your statement your work history, and then in paragraphs 6 and 7, the work that you ordinarily do in Global Victoria. Is it correct that part of your job and part of your team's work in Global Victoria is to organise logistics for events?

30 A. That's correct.

Q. Trade fairs and things of that kind?

A. Yes.

35

Q. On what scale are such events usually organised, in terms of the number of people or the duration of the events?

40 A. They can vary in terms of some of our inbound trade missions. They can be up to 300 people. And in terms of our outbound missions, our team has experience in delivering missions of up to 650 people.

Q. Over what period of time?

45 A. Generally over just less than a week or a week.

Q. You've set out at paragraph 8 that you first learned of the Hotel Quarantine

Program through a public announcement made by the Prime Minister?

A. Yes.

5 Q. But you shortly after were contacted by the Secretary to the Department of Jobs, Precincts and Regions and asked to nominate some people who could help with logistics; is that right?

A. That's right.

10

Q. Can I ask you, perhaps by reference to paragraph 10 of your statement, how it was that you came yourself to be in attendance at the Crown Promenade on the afternoon of 28 March?

15 A. Sure. So on the Friday afternoon, I had nominated a small number of Global Victoria staff to assist in the program. On the Saturday, I had a call from our Secretary asking --- or noting that I had put forward a number of people and asking if I could also attend together with those people and any other staff that I thought would be able to support the logistics of this program.

20

Q. Did he tell you what you would be attending for?

A. It was very much around logistics in terms of the movement of people and getting them into the hotels.

25

Q. So the Board has heard some evidence already today about a dry run which occurred on a Saturday afternoon. Was that what you, as it turned out, were being asked to attend, to attend at the hotel for the hotel part of the dry run?

30 A. Yes, that's correct.

Q. And what were the tasks in the form of assistance that you were called upon to do on that day?

35 A. So, on that day, it was very much to meet with the hotel, which was the Crown properties. We were also met there by Victoria Police, and Unified, who was the nominated security provider, and talked through those roles, and then we provided some assistance in terms of how those people would be coming off the bus and then getting safely into their rooms. So that was pretty much our key role as part of that.

40

Q. So when you turned up and were asked to assist, was there already a process in place that they were testing and that you were commenting on, or were you being asked to actually devise the process that was going to be used?

45 A. So there was some things that were known to us. That included the role that Vic Pol would play and part of the role that security would play. What we needed to undertake is to understand what those different steps were in terms of, you know,

collecting vital information from passengers and also collecting forms, and we also on that day undertook an exercise to actually understand what the different types of rooms were, how guests would be looked after during that stay, in terms of three meals, and what they would be given on arrival.

5

Q. You say at paragraph 11 that although you were called down to assist on that day, it became apparent after the dry run that there was in fact going to be a role for you and some of your staff from Global Victoria in carrying out some of those functions?

10 A. Correct.

Q. Is that right? And you specify at paragraph 11 what they were, and it was to do with helping with the check-in process, accurate capture of information, and arranging staff and essential items, and appropriate accommodation and special requirements.

15

A. Correct.

Q. And you say then at paragraph 12 that you had initially thought that that might be quite a short-term frontline engagement, but in the end you go on to say you and your staff stayed in it for much longer than had been anticipated. Is that right?

20

A. That's right.

25 Q. So how did that come to be?

A. As I mentioned, in the early stages we thought we would just be there to help establish some of the systems, but as the numbers continued to increase, we found ourselves staying on in the program and providing, I guess, a bit of extra support under, you know, really challenging times.

30

Q. So when you say the numbers were beginning to increase, you mean as the number of returned travellers increased?

35 A. Yes.

Q. And the number of hotels increased?

40 A. Had to increase, yes.

Q. So you mentioned earlier that there were some things that were known to you when you attended for the dry run. You said the role of Victoria Police was known to you. What was that role, as you knew it on the day?

45 A. So we knew that --- so Victoria Police told us on the day that they would be managing the perimeter, so they would be managing what would be happening outside the hotel. So they would basically look to block off the road, to make sure

there would be a smooth and safe entry into the hotel. So they would be very much on the perimeter. They would also be there to ensure that any --- if family or friends arrived at the hotel, that they would make sure there would be no interference in terms of them making any contact with the returning passengers. And then they
5 would be alerted to anything, you know, should there be any --- you know, if there were any critical issues, we would alert them in the normal way that we would contact the police.

10 Q. You also said that part of the role of security was known to you on that day when you arrived. What was your understanding of the role that private security was going to play?

15 A. So what was described to us was that security would be managing the process within the hotel, so we would have Vic Pol on the outside, security on the inside. They would be the first, I guess, point of guard for any issues and they would be assisting in the process, potentially helping people with luggage as they got off and then helping them safely into their rooms.

20 Q. At paragraph 35, you go into some details and matters we've been discussing, about the role that you played in the dry run. You say that you had discussions with Victoria Police and Unified about the perimeter. Did you have discussions beyond what you've already mentioned about the scope of security officer duties? For example, what they would be permitted to do if people tried to leave?

25 A. Well, during those conversations, it was not a lot of detail explained to us apart from the fact that we knew security guards were not able to hold people, but there would be authorised officers there to, you know --- should that happen.

30 Q. You say that paragraph 35b that you were involved in assessing which parts of the hotel would be used, and you touched on this already in relation to rooms. Was that a task that you undertook with the hotel, or did the hotel effectively leave it to you and your team to make those arrangements in its area?

35 A. So we did that jointly, both with the hotel as well as, you know, advice with security and Vic Pol. So we wanted to make sure that as passengers came in, they wouldn't be lounging on the couches. So we blocked off the space and made it very clear the different points at which the guests had to interact with us. One was for us to collect their passport details and, importantly, reconcile who was coming into the hotel against the manifest, the flight manifest. And the second point, the second area
40 of information that was provided and collected was to outline to the guests what the next 14 days would be like, and to collect two forms off them; one, the DHHS questionnaire, and the Detention Notice.

45 Q. Okay. So just unpicking that; so you had --- the process was that you would have information from the flight manifest of who had exited from the flight and therefore who was arriving at the hotel?

A. Correct.

5 Q. And you also had to collect information directly from the passengers once you'd checked off their names in the form of the questionnaire that they'd filled out and the copy of the Detention Notice?

A. Correct.

10 Q. So what happened to those documents and the information in them?

A. So they were passed on to officers of DHHS.

15 Q. You say at paragraph 35c that you were involved in mapping out the process of people working through the hotel, and I take it that's because of a concern about matters of infection control?

20 A. So we were just wanting to limit --- we weren't exactly sure what the flow would look like coming off the bus. So we wanted to slow it down. We marked the floors to ensure there was, you know, 1.5m, and just to make sure that everyone knew where to stand. So the reference there is to making sure that, you know, people were socially distancing as they got off that bus.

25 Q. Okay. And was it also your team who engaged in the arrangements with the hotel about the kinds of foods and amenities that were going to be provided?

A. Yes.

30 Q. And was there a process in place, first at that first hotel but then later for other hotels, for people to make special requests or advise of dietary or medical conditions that were relevant to the kinds of foods they should be served?

35 A. Yes. So the DHHS questionnaire picked up on any medical needs, but we did capture through that form as well any dietary requirements. The hotels also took stock of people's dietary requirements, and wherever possible we did our best to meet those needs.

Q. You were present at the dry run. Were you also in attendance at the hotel the next day when the first guests arrived?

40 A. Yes.

Q. And perhaps if I can ask you this question: How did it go in comparison with the dry run?

45 A. I think it --

Q. Did the systems work?

A. The systems worked. It was, I think, a very complex and challenging program to be involved in, but I felt like on that first day, everyone played the role that they were supposed to, and we got people safely into their rooms.

5

Q. The Board had heard some evidence from a nurse who was engaged to be at the hotels in the very early days and who made some observations of what seemed, from his perspective in the health context, to be the absence of a process by which medical information could be collected and stored. What, if any, role did your Department have in the --- you mentioned the DHHS forms, but did you have any involvement in matters relating to nursing staff and the way in which they collected and stored information?

10

A. No, we didn't.

15

Q. Was a place for the nurses to meet and do their work part of the logistical mapping of the sites that you did?

A. It was as well, yes. So we --- at that first hotel the business centre was deemed the appropriate space for nurses and DHHS staff to use.

20

Q. You mention in your statement in response to some questions asked, the role of the site manager at hotels, a role I take it that you didn't end up performing longer term yourself, but a role which was performed by someone from DJPR and in some cases someone from Global Victoria at each of the hotels. Can I ask you just to summarise, based on what's in your statement, what was the role of the DJPR site manager in distinction to, for example, team leaders from DHHS or authorised officers?

25

A. So I think the key distinction is on arrival, it was always DJPR staff that made sure that that manifest was reconciled. So that was always a role that we performed and then sent back through. We also were responsible for managing or keeping a tab on the inventory and making sure that we knew exactly at any point how much stock was available in that hotel. We were also --- I guess the escalation points for a lot of dietary requirements that were coming through, so we were working with the hotels. I believe at one stage the dietary requirements at one of the hotels was above 25 per cent, so quite a lot of requests were coming through. So I feel that our team was a bit of a liaison point for different agencies and supported some of the issues that arose on the ground.

30

35

40

Q. And so while you were doing that, during the period of time that you were working in this program, what was the role being performed by the authorised officers and what contact did they have with you?

45

A. So our main interaction with the authorised officers was on entries. I didn't participate in the exit process, but on entries, there would be a lot of passengers that would come in that would have information around exemptions. We would in all

cases defer them to the authorised officer to understand what that process would be for passengers to put in an exemption. We would also alert an authorised officer should there be examples where people were probably behaving inappropriately or, you know, making contact with hotel staff and not being very kind. In times like that, we would also just flag that as an issue with the authorised officer.

Q. Have you been aware of the evidence that's been given earlier in these proceedings, Ms Serbest, relating to the experiences that some individual people had in hotel quarantine?

A. I haven't been diligently watching them. I did catch part of Mr Erasmus' statement, but I didn't watch all of it, unfortunately.

Q. Okay. But perhaps you're aware in a more general sense, and I'll put a couple of specific matters to you. You've indicated in your statement that part of the role that your team sought to perform related to, for example, sourcing things that people might need, whether it was things relating to babies, or kettles and things of that kind. The Board heard evidence from a nurse, not at the hotel that you worked at but who had been working at a hotel and who experienced a great deal of difficulty getting access to a kettle for someone in quarantine who needed it really for medical purposes. Can I ask you, from your experience, were there occasions where you were asked to arrange for upgrades or additional equipment to be provided to people's rooms?

A. So there were times when we were asked to provide additional items. That included things like what I mentioned in my statement, baby sterilisers, toasters, for particular guests. So, as I mentioned, it could have also been things like toys. There were a lot of children coming through at later parts of the program. So we did try wherever we could to meet those needs.

Q. The experience of the nurse who gave evidence was that the decision about whether or not the traveller was permitted to have a kettle rested with the DHHS authorised officer who for reasons decided not to authorise it. Was that your experience, that additional items going into hotel rooms needed to be approved by the authorised officer?

A. I didn't have too much experience in that. I think the items where we provided extra support would have come to my team, I'm guessing through the advice of DHHS. I didn't see that to be a problem or a conflict between the two departments.

Q. So you didn't yourself have experience of, for example, requests being made for things that you might have been able to source, but which were being refused by DHHS in their capacity as authorised officers?

A. Correct.

Q. The Board also heard evidence from a man who was staying in quarantine with his

partner, and on about day 10, came to realise that the hotel and the nurse thought that there was only one person in the room when in fact there were two. Have you had your attention drawn to that evidence?

5 A. I'm not across the details of that.

Q. So the evidence that he gave of his experience was that after having been checked in and handed over, as I understand it, two Detention Notices to relevant staff, it became clear after 10 days that the reason they'd only been getting one meal
10 delivered is because the hotel and the nurses thought there was only one person in the room. What processes were in place, as far as you were aware, to prevent that kind of mix-up happening, where there might be a misunderstanding about the number or nature of the people in a room?

15 A. So my understanding is once guests were checked in, that there were regular welfare checks by the Department of Health and Human Services, and in particular the nurses, to each of the rooms. We certainly captured who was going into particular rooms on arrival, but I'm not across the details of that happening. But I do believe that our colleagues at DHHS were doing welfare checks on the guests.

20 Q. So I was thinking more about --- you gave evidence that it was part of the role of the site managers to check off manifests and allocate or be involved in the allocation of rooms. Was there some central repository of information about who was in which room against which there could be checks to make sure that people knew that there
25 were two people in a room rather than one?

A. Yes. So the hotels would have kept records, and we would have --- so the hotels would have kept all records of who was in the rooms and how many people were in those rooms.

30 Q. In relation to the site manager role, you've identified in your statement a job card or a position description, as it were, that was developed for the role of site manager towards the end of your tenure, so that it didn't actually come into effect, but I gather you would say that it's a useful summary of what that role was. Could I ask that that
35 document be brought up, please. It's DJP.131.004.2631.

So this is the document that you've produced, Ms Serbest?

40 A. Yes, that was produced by our Department, correct.

Q. And it reflected the duties that were being performed by site managers at hotels during the Hotel Quarantine Program?

45 A. Correct.

Q. And you've indicated that a number of your staff performed roles at hotels. Apart from Global Victoria, are you able to say how the positions of site managers at hotels

were filled?

5 A. So initially it was through that first round of support that we had from our team. We did struggle, as I've also mentioned through my witness statement, for people to come forward to work on the project. And so we had also had some support from Government agencies such as the Arts Centre of Melbourne to provide support, the Melbourne Convention Exhibition Centre staff as well, which are all, I guess, public entities within our Department. And we also had some contractors who were working to Global Victoria in some client-facing roles as well.

10

Q. Thank you. That can come from the screen.

What was the position for people attending at hotels with regard to the wearing of PPE? Did you, for example, wear PPE when you were present at the hotels?

15

A. Absolutely. We wore PPE. In particular, you know, we were always with our gloves, masks and, in some cases, we also wore the goggles.

20 Q. Did you experience any difficulties? I'm conscious that you had a particular involvement in the first month or so of the program. Were supplies of PPE an issue?

A. So we often sought advice from DHHS in terms of the supply, but for the first month that I was there, we did --- I was always able to have access to PPE.

25 Q. And were you aware of any disagreements or differences of opinion about the circumstances in which PPE should be worn inside the hotels?

30 A. I believe that the policies changed throughout the program. But it would have happened, I think, after the time that I was involved. So I do know that there were different, you know, guidelines at different points in the program.

35 Q. Can I ask you now, Ms Serbest, to look at paragraphs 72 and following in your statement in which you answer some questions posed to you which were really in the nature of inviting you to reflect on the nature of the work done by you and your team in the program. You may feel that you've touched on one of these already, but one of the things you identify that may have contributed to any limitation or weakness in the work done was the question of resource constraints.

40 A. Yes. So, again, we weren't sure how long we would play a role in this. From my perspective, it was important that we were putting staff on this project or this program that were experienced and were senior. So as I outlined there, I took a number of my directors to support the program, which meant that --- it was difficult, so we're not a very big team, so to take 17 people out was challenging.

45 Q. And as I understand it, they couldn't be completely taken out, they still, to some extent, had to be performing their standard jobs as well; is that right?

A. Some of them. Some of them, yes.

5 Q. Then, secondly, at paragraph 72, you refer to the fact that the work itself was sometimes stressful. Can I invite you to elaborate a little bit? It's a pretty obvious question, but why was it stressful?

10 A. I guess I would just --- it was an exhausting job. There were times when we would be waiting for a flight to arrive, the flight would be delayed, it wouldn't get to the airport until 11, we wouldn't finish checking till 4.30 am. So it was at times exhausting from that perspective. And the nature of the work. I guess it's just dealing with a lot of different issues that people were presenting. So we did see, as the program rolled on, different types of people coming back, and that in itself presented different challenges for us.

15 Q. So would I be right in understanding that over time the cohort changed so that it wasn't necessarily people returning from short holidays overseas; it came to be larger numbers of people who were repatriating, perhaps after a long time living elsewhere and coming back with larger or more complicated family structures?

20 A. Absolutely, yes.

25 Q. I take it that you and the members of your team had a lot of frontline contact with people who were being brought to hotels in buses after arriving back in Australia. What, in general terms, was your experience of their level of comfort or concern about entering quarantine? Was there much resistance?

30 A. I regularly checked in on my team. We had daily meetings which continued throughout the course of the program. So that is definitely a question that was asked on multiple occasions. We did have a couple of staff that stepped out halfway through. But for most part, all of our staff were very committed to the program. They saw this as something that they wanted to support and were very, very committed.

35 Q. And the people that --- the returning passengers who were arriving, I wonder if you could give the Board your perspective on the way in which they were responding in terms of being compliant, non-compliant through the check-in processes that you were overseeing at hotels?

40 A. I would say that for the most part, people were very compliant. They wanted information before they got into their rooms. Some had some knowledge as they came in, but in that first week, a lot more people had questions around whether, you know, how the process would work, when they would get their food. But I did feel for the most part passengers coming through were accepting and where we could, we answered all their questions.

45 Q. At paragraph 75 of your statement, you refer to the fact that there were issues getting responses, and sometimes your perception was that that was because there

were rotations of staff through positions in other agencies. Was it in that context that you and some of your staff made the decision to stay in the program so that there would be some continuity?

5 A. I believe --- yes, well, I do feel that our staff provided a bit of a constant so it was quite easy for hotels to raise issues and know who to go to. And from my perspective, that provided supports for other people, for other departments to come to us or raise issues as well. But it was also the fact that people were very keen to stay on and support Victoria during this time.

10

Q. As I understand it, you yourself moved out of front-facing work into a more strategic role in about late April, but some of your staff remained in the program until it was transitioned out in July; is that right?

15 A. That's right.

Q. Can I ask you this question, Ms Serbest. If you were starting --- if you were creating the program now, would you create it the same way, in the sense of the mapping and the work that you and your team did for the management of people through and into the hotel processes? With the benefit of time and breathing space, are there things that you would do differently?

20

A. So I feel that those --- that early set-up in those early days did support the program for a long time. We tried to minimise a lot of contact, so there was really only two check-in points, one for the collection of passport details and one around the collection of information and sharing of information with guests. I do feel that our team was able to also be proactive in terms of how we thought about different points in time as passengers came through. I've outlined in my statement that a number of the people I deployed onto the project spoke different languages, had lived overseas. We were trying to at every point anticipate what some of those needs would be for those passengers returning, whether it would be, you know, Mother's Day or, you know, people observing Ramadan. So, for us, that was very important to be able to do that.

25

30

On reflection, we could probably look to have better systems of communicating between the agencies in terms of, you know, how guests' information is shared in terms of interactions with nurses and things like that. But I feel for the most part, for the responsibility we had which was to set up the logistics, I feel that we were able to do that.

35

40

Q. And you feel like it was doable, so the logistical scale was not impossible?

A. Correct.

45 Q. Thank you, Ms Serbest. Those are the questions I wanted to ask you.

MS ELLYARD: I've had notice, Madam Chair, of a couple of applications to raise

matters with Ms Serbest. The first of them is Mr Craig on behalf of Wilson Security. He's indicated to me a couple of discrete matters that I infer may still be outstanding, notwithstanding the questioning that's already occurred.

5 MR CRAIG SC: I'm indebted to my learned friend.

Madam Chair, I can be very brief. My questions relate to paragraphs 56 through 58 of Ms Serbest's statement and the observations contained therein. I think I can deal with it in a short number of questions.

10

CHAIR: Yes, all right. Leave is granted, Mr Craig.

MR CRAIG SC: Thank you, Madam Chair.

15

CROSS-EXAMINATION BY MR CRAIG SC

MR CRAIG SC: Ms Serbest, have you got your statement, in particular your answer to NTP Question 22, handy?

20

A. I do, yes.

Q. Thank you. I take it --- just take a moment to read the question to yourself again, please. Have you done that?

25

A. Yes.

Q. Thank you. I take it, having regard to your answer, that you personally had no issue with and were not made aware of any issue with Wilson Security's approach to infection control?

30

A. Sorry, could you repeat the question?

Q. Yes. I take it that, having regard to your answer, that you had no issue with and were not made aware of any issue with Wilson Security's approach to infection control?

35

A. Correct.

40

Q. And that you had no issue with and were not made aware of any issue with respect to Wilson Security's training of its guards, as to the public health risks posed by COVID-19 and infection control?

45

A. Correct.

Q. And that you had no issue with and were not made aware of any issue with Wilson

Security's provision of access of PPE equipment to its guards?

A. Correct.

5 Q. Am I also right to understand that there is no suggestion by you or those that report to you that any actions taken by Wilson Security or its guards in any way exacerbated the risk of the transmission to guests, staff or the general community of COVID-19?

10 MS CONDON QC: Well, Madam Chair, before Ms Serbest answers that question, I object to that question. She is simply not in a position to assist the Board with the way in which that question has been framed. So I object.

15 MR CRAIG SC: Well, the witness has given evidence about a number of matters in paragraph 56. And I'm asking a question which is on a chain of enquiry to contextualising the matters recorded in the email at paragraph 56.

20 CHAIR: The objection, as I understood it, Mr Craig, was to the broad nature of the way in which that was put, rather than focusing on these matters contained in this witness' statement.

MR CRAIG SC: Thank you. I'll put the question in another way, Madam Chair.

25 Ms Serbest, if you could go to paragraph 56 of your statement.

A. Yes.

Q. Can I ask the operator to [indistinct] --

30 A. Sorry, I'm not able to hear you.

35 Q. My apologies. I'll speak into the microphone. Thank you. Can I ask the operator to please bring up the document to which paragraph 56 refers, DJP.110.001.4975. Thank you. And if we scroll down the page, please, Mr Operator, if we scroll down onto the next page, please? Thank you. And if we just put that document on the left-hand side of the screen, and also put up on the right-hand side of the screen DJP.102.001.3602.

40 Ms Serbest, can you hear me?

A. Yes.

45 Q. Thank you. You will see there a number of things that you record as not occurring on 4 April 2020. Do you see that?

A. Yes.

Q. Yes. The first thing I want to suggest to you is, on the right-hand document is the provision of what were the core duties provided to Wilson Security. Do you see that?

5 A. Yes. This isn't a document that I'm familiar with, so I'm just taking a moment to read it now. Yes.

Q. And so what I want to suggest to you is --- and I want to first focus on the third bullet point, "They were not supporting baggages getting off bus and to lifts." Do you see that?

10 A. Yes.

Q. You were there in that email presupposing, were you, that that was a duty of the security staff?

15 A. Yes.

Q. And in considering that duty, did you have any regard to whether the step of security staff handling luggage would minimise or exacerbate the risk of infection?

20 A. Well, I'm not trained in infection control, so I would imagine that that advice would be provided from another department. The purpose of that email where I note some of the issues were things that were raised with me directly. So, in particular, the issues that I saw with Wilson's with respect to infection control was the hotel giving us advice that guards were not removing or discarding of their gloves appropriately.

Q. And you don't record that in this email, do you?

30 A. It could be there, or wrapped up in another one, so --- yes.

Q. I think as I understand your answer in respect of this email, you accept that whether or not getting bags off the bus is appropriate in terms of managing infection is something to be determined by others; is that correct?

35 A. Correct.

Q. And that if there was dialogue in relation to that issue as between Wilson and the Department as to the appropriateness of that course, you were content to abide by that discussion rather than necessarily stipulating this as being the requirement?

40 A. Sure, you could say that. It was being done at other hotels, so I thought for people that did require assistance, that Wilson would also support in the way that other companies did.

45 Q. Yes. And I presume what --- but I --- let me make sure I understood. I take it that in setting out these requirements, you recognised that the primary objective was

minimising the risk of transmission or infection?

A. Yes.

5 Q. Thank you. Now, in relation to the second-last bullet point, did you become aware or were you informed that the individual there identified was temperature-checked and found to be healthy and safe?

10 A. I believe my team was advised of that later. I just observed it and wanted to have it checked.

Q. Okay. Thank you very much. And that after the issue was raised in respect of the first bullet point, that was addressed and effectively dealt with?

15 A. Correct.

Q. Thank you. Now, if I ask you just to look yourself at paragraph 58b of your statement. Are you aware that in respect of that conduct, the relevant guard was removed from working for Wilson on the very day the complaint was made?

20

A. Yes, it was brought to my attention that that had happened.

Q. Yes, and that guard --- and the evidence before the Inquiry is that guard did not perform any further work with respect to the Quarantine Program under Wilson; are you aware of that?

25

A. Yes.

Q. And that's the appropriate way to deal with incidents like that, isn't it?

30

A. Correct.

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

35 CHAIR: Thanks, Mr Craig. Those documents can come down, please.

MS ELLYARD: I've been advised that one other proposed application is no longer pressed, Madam Chair, and I'll pause now in case I've neglected to notice a further application by any other interested party in respect of Ms Serbest's evidence.

40

In the absence of anyone expressing a view, I think that it remains only to see if Ms Condon wishes to make an application. Otherwise, I'll be inviting that the witness be excused.

45 MS CONDON QC: Thank you, Counsel Assisting. Madam Chair, I don't have any re-examination for Ms Serbest.

CHAIR: Thank you, Ms Condon.

QUESTIONS BY CHAIR

5

CHAIR: Ms Serbest, just before I excuse you, can I get you to help me with a couple of matters, just understanding a couple of matters from what you've given evidence about today. You indicated that part of the role of your on-site people was to
10 reconcile the manifest with the people who were arriving in the hotel. Can you clarify for me, was that being done by comparing pieces of paper, or was there a central electronic record being kept by someone?

A. So we did capture critical information of passengers. So that included surname,
15 last name, passport number, and the room that they were going into. We then checked the passport details against the people that had come in. There would be on occasion people that were not on the manifest that were on the flight and vice versa.

CHAIR: And when you say "we", are you referring to Department of Jobs, Precincts
20 and Regions?

A. Our department.

CHAIR: So you were keeping that record as part of your Departmental records?
25

A. No, we were collecting that information and then sending it through to our central team, which I believe was then disseminated appropriately.

CHAIR: So when you say that, "disseminated appropriately", do you actually know
30 what happened or you're making assumptions about what happened to it?

A. I don't know. We would send it through to our central team. I don't know where it went after that.

CHAIR: Just help me understand what you mean when you talk about your "central
35 team." Are these people located on sites in hotels, or are you talking about back into the main body of your office?

A. Main body of our Department, yes.
40

CHAIR: So what exchange was happening with the hotels? I understood from your evidence, that the hotel is keeping a separate record?

A. So hotels were also keeping a record of people that were coming in, and in
45 particular dietary requirements.

CHAIR: All right. So you were passing information on that you were collecting

from people who were arriving and checking in?

A. Sorry, could you repeat that, please?

5 CHAIR: Were you passing on --- the information that you were getting, did that bear any relationship at that point, at check-in point, to things like the dietary requirements or individual needs of people coming in to the program?

10 A. So the document that we collected was very much based on passport number and the people that were in the hotel, and then the hotel kept specific records of dietary requirements. The questionnaire that incoming guests also had also highlighted any dietary requirements. So there was dietaries was picked up in a couple of ways.

CHAIR: So you were handling that questionnaire?

15

A. We were only collecting it. It was a DHHS document.

CHAIR: So it was in the form of a piece of paper?

20 A. Correct.

CHAIR: And then someone was doing an entry into a system, an electronic system?

25 A. I'm not sure what the DHHS requirements were of inputting that data, but I do know that the hotels did also capture that when they allocated a room to a guest. So they had their own records of dietary requirements.

CHAIR: Thank you. I'll come back to you, Ms Ellyard, if there are any matters arising out of that for you.

30

Just one other discrete matter, Ms Serbest, that goes to some of the questions that you were asked about what you had to say and your observations about the roles and expectations of the security personnel on site in the hotels that you were familiar with. Did you have a clear understanding of what the expectation of the role of the security people on site was? Are you satisfied that you understood clearly what the role was of those private security personnel?

35

40 A. So in particular after the dry run and after those first few flights, it became more apparent what that role would be. I note the document that was presented before, but where there were people that were elderly or required assistance, I just assumed that people would be assisting them. So, in terms of the security, I think it was pretty clear what they would be doing and how they would be supporting the program.

45 CHAIR: So when you say that "it was pretty clear", can you again help me understand where you got your understanding from?

A. My understanding very much came from that first dry run, as we called it, and in

those first few days of rolling out the program.

CHAIR: So that means that was communicated to you by the people that participated in the dry run? It was being articulated, "This is what the role of private security is",
5 rather than a document being provided to you so that you could understand that with clarity?

A. Correct. There were times though, as things shifted and evolved --- so it wasn't something that was fixed. It would --- different policies would come onboard and
10 different requirements would need to be addressed, such as parcels being delivered to guests and things like that.

CHAIR: And the understanding that you were --- as I understand what you're saying, the understanding was an iterative process, in other words bit by bit you were
15 understanding what the role of private security guards was on the sites that you were familiar with?

A. I would say it was quite clear from that first day what they would be doing, but as policies changed and as policies got introduced, whether they would be, as
20 I mentioned, parcels from families coming into the hotels, Uber Eats policies for people with dietary requirements, or fresh air breaks, the expectations on security changed.

CHAIR: And where were you looking to for clarity about those policies? Was it
25 your --- people employed inside the Department of Jobs, Precincts and Regions, or was it another department that you were looking to?

A. So for operational matters, so someone logging a parcel that's been received, we often dealt with that just on-site. But where there were significant changes to a role,
30 for example, you know, like I mentioned Uber Eats policies or fresh air breaks, that was definitely in the domain of the Department of Health and Human Services.

CHAIR: And were you looking to get the guidance and direction from the authorised officers on site? Is that how that was working?
35

A. Correct. Correct.

CHAIR: Ms Ellyard, I'm not sure if there's anything arising out of that for you?

40 MS ELLYARD: I don't think there is for me, but I might reserve my position, because I see Mr Craig on the screen.

MR CRAIG SC: Madam Chair, can I very briefly ask something arising out of that?

45 CHAIR: Yes, you can, Mr Craig.

MR CRAIG SC: Thank you very much.

FURTHER CROSS-EXAMINATION BY MR CRAIG SC

5

MR CRAIG SC: Ms Serbest, sorry to detain you beyond 4 o'clock. As I understand the evidence you've just given in response to Madam Chair's questions, your primary understanding as to the role of security was derived from the dry run; is that correct?

10 A. My involvement, so my first-hand understanding, came from that first day.

Q. Yes. And as I think you're aware, my client, Wilson Security, wasn't present at that dry run.

15 A. I absolutely appreciate that.

Q. Yes. And so I take it, just for Madam Chair's benefit, insofar as the duties to be performed by Wilson were concerned, you accept, I think, that they had to be conveyed in writing or otherwise through a different dry run to the one to which
20 you're referring?

A. Correct.

Q. Yes. Thank you. So insofar as you're aware as to the expectations communicated
25 to Wilson in respect of its operations, the dry run does not form part of the caucus of knowledge you have to comment on that?

A. Sure.

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

CHAIR: Thanks, Mr Craig.

MS ELLYARD: Nothing from me, thank you, Madam Chair. I'll ask that the
35 witness be excused.

CHAIR: Yes. Thank you, Ms Serbest. Thank you for your attendance, and you're now excused.

40 A. Thank you. Thank you both. Bye-bye.

THE WITNESS WITHDREW

45

MS ELLYARD: Madam Chair, that concludes the evidence for today. Tomorrow we will be hearing evidence from a total of five witnesses. First, in the morning,

we'll have three witnesses representing the general managers of three different hotels who are proposed to be called concurrently for the purposes of a panel form of evidence regarding issues arising across their various hotels and according to their various perspectives. Following that, we'll have two further witnesses, each of whom
5 is also a hotel manager who will give evidence on their own. So that will be the program for tomorrow. I understand all of the relevant witness statements are available on the hearing book, and that, where necessary, it's my understanding appropriate redactions have been made to the documents that we'll be referring to.

10 CHAIR: Thank you, Ms Ellyard. Thank you. We will otherwise adjourn now until 10.00 tomorrow. Thank you.

MS ELLYARD: As the Board pleases.

15

**HEARING ADJOURNED AT 4.04 PM UNTIL 10.00 AM ON FRIDAY,
28 AUGUST 2020**

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