

Senate Select Committee on COVID-19
Answers to questions on notice
Agriculture, Water and the Environment Portfolio

Committee: Senate Select Committee on COVID-19

Inquiry name: Inquiry into the Australian Government's response to the COVID-19 pandemic

Question No: 1, 2, 3 and 4

Division/Agency: Department of Agriculture, Water and the Environment (**DAWE**)

Topic: The Commonwealth's Voluntary Statements to the NSW Special Commission of Enquiry into the Ruby Princess (**Special Commission**)

Hearing Date: 18 August 2020

Question Date: 3 August 2020

Question Type: Written

Senator Keneally asked:

Questions 1 – 3(a):

1-3. When and how was the first SES-level Departmental Official, Secretary, and Minister's Office first made aware that:

a. an Agriculture Biosecurity Officer failed to conduct the necessary human health screening on ill passengers with suspected cases of COVID-19 onboard the Ruby Princess, which was required by the *National Protocol for managing novel coronavirus disease (COVID-19) risk from cruise ships* and standard Departmental procedure?

Answer:

- These matters are addressed in the Commonwealth's 16 July 2020 Voluntary Statement to the Special Commission at paragraphs 40 to 41. All statements made by the Commonwealth are available at: rubyprincessinquiry.nsw.gov.au.
- Biosecurity officers at the Port of Sydney relied on New South Wales Health to make a global assessment of the level of human biosecurity risk associated with cruise ships. On that basis, traveller illness checklists were not administered to each sick passenger arriving in Australia at the Port of Sydney.
- SES-level officials at the department were briefed in relation to the circumstances of the arrival of the *Ruby Princess* by telephone on 20 March 2020.
- The Secretary was briefed in relation to the circumstances of the arrival of the *Ruby Princess* by email on 21 March 2020.
- The Minister's office was briefed in relation to the circumstances of the arrival of the *Ruby Princess* by email and telephone on 21 March 2020.

Questions 1 – 3(b)

1-3. When and how was the first SES-level Departmental Official, Secretary, and Minister's Office first made aware that:

b. an Agriculture Biosecurity Officer failed to prevent passengers from disembarking the *Ruby Princess*, despite the ship being incorrectly granted pratique by an Australian Border Force Officer who did not have the legal authority to do so?

Answer:

- These matters are addressed in the Commonwealth's 16 July 2020 Voluntary Statement to the Special Commission at paragraphs 51 to 52.2.
- No Australian Border Force Officer granted pratique. Pratique was granted by a biosecurity officer. On that basis, biosecurity officers did not seek to prevent passengers from disembarking.
- The delay in formally granting and recording pratique was due to a technical limitation in connecting to the department's systems, rather than an intention to withhold the granting of pratique or prevent disembarkation. See paragraph 52.2 of the Commonwealth's 16 July 2020 Voluntary Statement to the Special Commission.

Questions 1 – 3(c)

1-3. When and how was the first SES-level Departmental Official, Secretary, and Minister's office first made aware that:

c. no official from the Department of Agriculture confirmed the New South Wales Health Department's assessment of the Ruby Princess until an hour after passengers began disembarking?

Answer:

- These matters are addressed in the Commonwealth's 12 June 2020 Voluntary Statement at paragraph 98 and the 16 July 2020 Voluntary Statement to the Special Commission at paragraphs 32 to 35, 41 and 43.
- In accordance with advice from NSW Health provided on 21 February 2020, biosecurity officers at the Port of Sydney relied on NSW Health attendance on ships assessed as having higher than a "low risk" rating. See paragraph 98 of the 12 June 2020 Voluntary Statement.
- Biosecurity officers were entitled to conclude from the non-attendance of NSW Health at a cruise ship arrival that it had assessed the vessel as low risk. See paragraphs 32 – 34 of the Commonwealth's 16 July 2020 Voluntary Statement to the Special Commission.
- Biosecurity officers sought further written confirmation from NSW Health at 7:31 am on 19 March 2020.
- The first time an SES-level official at the department became aware of the further confirmation from NSW Health of the low risk rating was by email on 20 March 2020.
- The first time the Secretary became aware of the further confirmation from NSW Health of the low risk rating was by email on 21 March 2020.

- The Minister’s Office was first briefed by the department on 21 March 2020 about the further confirmation from NSW Health of the low risk rating.

Questions 1 – 3(d)

1-3. When and how was the first SES-level Departmental Official, Secretary, and Minister’s Office first made aware that:

d. an Agriculture Biosecurity Officer filed a Routine Vehicle Inspection form which falsely listed the number of ill passengers onboard the Ruby Princess and the symptoms they were displaying?

Answer:

- The contents of the Routine Vessel Inspection document had no bearing on NSW Health assessing the *Ruby Princess* as “low risk”.
- The disparity present in the Routine Vessel Inspection document was a categorisation error by a non-medically trained biosecurity officer.
- The first time that any SES-Level departmental employee was provided with the Routine Vessel Inspection document was by email on 14 May 2020. This document was not provided to the Secretary or the Minister’s Office.

Questions 1 – 3(e)

1-3. When and how was the first SES-level Departmental Official, Secretary, and Minister’s Office first made aware that:

e. an Australian Border Force Officer incorrectly read a medical form and falsely reported that isolated passengers onboard the Ruby Princess had returned negative results to COVID-19 screening

Answer:

- Questions regarding Australian Border Force Officers should be addressed to the Department of Home Affairs.

Question 1-3(f)

1-3. When and how was the first SES-level Departmental Official, Secretary, and Minister’s office first made aware that:

f. as a result of these errors, ill passengers onboard the Ruby Princess with active cases of COVID-19 were allowed to disembark without entering quarantine?

Answer:

- These matters are addressed in the Commonwealth’s 16 July 2020 Voluntary Statement to the Special Commission at paragraph 52.2.
- The Department does not accept the premise of this question.

Question 4

With regard to the Commonwealth Submissions to the Special Commission of Inquiry into the Ruby Princess:

- a. Which SES officer(s) in the Department were consulted by the Australian Government Solicitor in the preparing the Submission?
- b. Which SES officer(s) in the Department approved the Submission on behalf of the Department?
- c. Was the Minister's office provided a copy of the Submission in draft form?
 - i. If yes:
 1. Why was the Minister's office consulted?
 2. When was the submission provided in draft submission?
 3. What was the Minister's office response to the draft submission? Please include details of any suggestions or requests to change, alter, add to or delete the draft submission? Please also indicate the date each response from the Minister was provided.
 - ii. If no, why was the Minister's office not consulted?
- d. Was the Minister provided a copy of the Submission in draft form?
 - i. If yes:
 4. Why was the Minister consulted?
 5. When was the submission provided in draft submission to the Minister?
 6. What was the Minister's response to the draft submission? Please include details of any suggestions or requests to change, alter, add to or delete the draft submission? Please also indicate the date each response from the Minister was provided.
 - ii. If no, why was the Minister not consulted?

Answer 4:

- The Commonwealth provided four voluntary submissions to the Special Commission dated 12 June 2020, 16 July 2020, 31 July 2020 and 3 August 2020.
- The submissions dated 31 July 2020 and 3 August concerned matters solely relating to Australian Border Force. The Minister's office was not provided with a copy of the 31 July 2020 submission.
- With respect to the submissions of 12 June and 16 July the Department's Legal Division instructed the Australian Government Solicitor with respect to matters concerning the department in preparing the submissions.
- Approval of the submissions of 12 June and 16 July, so far as they concerned the department, was given by the Deputy Secretary of the Biosecurity and Compliance Group.
- As a matter of standard practice in briefing on whole of Commonwealth matters, the Minister's Office was provided with the submissions for noting on the following dates:
 - the 12 June 2020 submission on 28 May 2020, 9 June 2020 and 12 June 2020;
 - the 16 July 2020 submission on 15 July 2020;
 - the 3 August 2020 submission on 3 August 2020.