

**HOME AFFAIRS PORTFOLIO
DEPARTMENT OF HOME AFFAIRS**

PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Select Committee on COVID-19

QoN Number: CV19-11

Subject: Secretary and Minister awareness of Ruby Princess

Asked by: Katy Gallagher

Question:

CHAIR: Mr Pezzullo, when would you have become aware of issues around the Ruby Princess?

Mr Pezzullo: Perhaps even later, the reason being that Border's a very busy place. As long as all the competent agencies that are legally accountable have done all their clearances, it's not clear that there's a problem to focus on until such arises, and, given the evidence you heard earlier, it's under delegation, as was explained to Senator Keneally before. It's certainly under delegation. If the competent state public health unit says, 'No issues for disembarkation,' there's no reason why it would be escalated to someone like me or to the commissioner until it becomes clear that there's a cluster.

CHAIR: Sure. I'm asking about your state of knowledge and when.

Mr Pezzullo: I don't know. It would have been when some of the media controversy or media interest started to arise, when it became clear to NSW Health. Mr Hazzard made some comments quite early in the piece, saying, 'It looks like there's a significant group of cases that have emerged from this that we're looking into.' That certainly gets my attention when a state health minister says that. Dr Chant might have made some comments early in the piece. Obviously, at that time—and it's still the case that we've been monitoring the media fairly carefully and constantly.

CHAIR: But you haven't checked your records on that, considering your appearance today—

Mr Pezzullo: No, because—

CHAIR: that this may come up about your state of knowledge?

Mr Pezzullo: The legal delegations are so clear-cut it's not funny. It's very clear-cut.

CHAIR: If you could take that on notice. I'm surprised.

Mr Pezzullo: I'm very happy to, Senator.

Answer:

20 March 2020.

**HOME AFFAIRS PORTFOLIO
AUSTRALIAN BORDER FORCE**

PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Select Committee on COVID-19

QoN Number: CV19-12

Subject: Seizures fit for public use

Asked by: James Paterson

Question:

Senator PATERSON: Thank you. And what has happened to those seizures? Are they sent to the national stockpile? Is all of it fit for purpose, useable?

Mr Outram: The Minister for Health made a biosecurity determination on 30 March to allow an officer of customs firstly to require the surrender of those goods, where export was attempted on or after 30 January but before 30 March. Then the officer of customs, who is a Border Force officer, is required to give the surrendered goods to the National Medical Stockpile or arrange for their destruction if they are defective or there is a risk that they are defective. In other words: yes, if they're fit for public use then they're being recirculated and redistributed.

Senator PATERSON: Do you have any numbers on what proportion is fit for public use and either has been recirculated or has gone to the National Medical Stockpile?

Mr Outram: I don't have them at this point in time. We have been working through the process with the TGA to make sure that we're not recirculating and redistributing goods that are unsafe.

Senator PATERSON: Understood. Perhaps you could take that on notice and we'll come back to it in due course.

Mr Outram: I will.

Answer:

Prior to 30 March 2020, all goods surrendered under the Biosecurity Determination made by the Minister for Health will be redistributed to the National Medical Stockpile (NMS). ABF and Health are currently working together to test the goods prior to reaching NMS to ensure they are safe for use by Australian Medical professionals.

Post 30 March 2020, seized goods cannot be condemned as forfeited to the Crown and subsequently re-purposed under the direction of the Comptroller-General until a 30 day notice period has elapsed without any subsequent claims for the return of the goods by the original owner. As at 7 May 2020, 278,347 facemasks have been seized, of which over 29,000 are considered condemned as forfeited to the Crown.

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PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Select Committee on COVID-19

QoN Number: CV19-13

Subject: Advice on the Cloud Act

Asked by: Rex Patrick

Question:

Senator PATRICK: Mr Pezzullo, in relation to the advice that Senator McKim talked about, I'm trying to save an FOI heading your way! It's a simple question: was the advice about the CLOUD Act provided to you by an independent lawyer within the Commonwealth, an external counsel or the AGS?

Mr Pezzullo: I'd have to take that on notice.

Senator PATRICK: My question goes to whether you would you claim legal privilege—

Mr Pezzullo: The association between the CLOUD Act and the COVID app data—

Senator PATRICK: That's correct.

Mr Pezzullo: I've seen advice on that. As to who rendered it, I'd have to take that on notice.

Answer:

The Secretary received advice from the Law Enforcement and Intelligence Policy Division and legal advice from internal counsel in the Department of Home Affairs, following consultation with the Attorney General's Department and the Digital Transformation Agency.

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PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Select Committee on COVID-19

QoN Number: CV19-14

Subject: Advice specific to Ruby Princess

Asked by: Kristina Keneally

Question:

Senator KENEALLY: Commissioner, just on the gazettal and the early warning system you've just described there, Brendan Murphy, the Chief Medical Officer, told us that he wasn't aware the Ruby Princess was a particular ship that was carved out by the determination, under exemption 5(b). Did you have a list of the ships when that determination was made and did you advise Minister Dutton of the ships that would be arriving under that exemption?

Mr Outram: We would've been aware that they were a number of ships; otherwise, we wouldn't have sought the exemption. We would have been aware that there were a number of ships that had left their final destination port and were on their way to Australia. For the reasons I said earlier on, there's an issue of safety of life at sea and international obligations and responsibilities. I'd have to take on notice the question 'Was advice provided specific to the Ruby Princess?' At that point in time we were unaware of any problems about the Ruby Princess, bearing in mind that the Ruby Princess had been visited by NSW Health in port in Sydney on 8 March and passengers had been swabbed, tested and all those sorts of things, and they were all negative, so it wasn't on our radar as being a particular problem, from memory, from my point of view until after a newspaper story appeared that basically said 'the ABF is at fault'.

Answer:

Yes, the Australian Border Force were aware of the cruise ships that were exempt from the determination. A list of the exempt vessels and their arrival dates was provided to the Minister's Office.

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PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Select Committee on COVID-19

QoN Number: CV19-15

Subject: Possible Minister direction to ABF

Asked by: Katy Gallagher

Question:

CHAIR: Okay. Did the minister request further action be taken by the ABF or his department in the days that followed the Ruby Princess passengers returning home?
Mr Pezzullo: From the vessel?

CHAIR: Yes, that's right. It's disembarked and people are spreading out all over the country. Within 12 hours we knew there were some issues. Did the minister ask that any further action be taken by you or your agency?

Mr Pezzullo: Only so far as public health tracing is a matter for the state health authorities. But the commissioner—

CHAIR: But did he ask what went on?

Mr Pezzullo: I suspect he did. I might ask the commissioner to speak on that.

Mr Outram: I'm told that my first message to the minister was on 20 March—just to clear that up—in relation to the Ruby Princess, which is according to my memory. At some point, obviously after the Ruby Princess came in, there was an announcement about the investigation by New South Wales police. The emergency management arrangements in New South Wales were amped up. I spoke, myself, with the Premier in New South Wales; Mick Fuller, the commissioner; Minister Hazzard; Kerry Chant; and the Chief Medical Officer. We all agreed we needed to work very closely together.

CHAIR: Do you remember what date that was?

Mr Outram: No, but I can take it on notice and come back to you.

CHAIR: Okay.

Answer:

25 March 2020.

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AUSTRALIAN BORDER FORCE**

PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Select Committee on COVID-19

QoN Number: CV19-16

Subject: Key Events

Asked by: James Paterson

Question:

Senator PATERSON: Thank you. I appreciate that, Chair. At this juncture, I might ask whether the department or Border Force could provide, on notice, in written form, those key events so that everyone on the committee can have that. But I appreciate you taking us through it.

Answer:

Since 1 February 2020, the Australian Border Force (ABF) has implemented the Australian Government's decisions to introduce progressively the following border measures to curb the introduction and spread of COVID-19.

Key Events Timeline of Border Measures

Effective 25 January 2020

The ABF established an Incident Control Centre following the first confirmed case in Australia of COVID-19.

Effective 31 January 2020

The Government decided to stand up the North West Point Quarantine Facility. The ABF deployed staff to Christmas Island to assist in the facilitation of repatriated Australian citizens and permanent residents from Wuhan, China. The Quarantine Facility was decommissioned on 19 March 2020.

Effective 1 Feb 2020 (2100AEDT)

Foreign nationals in China on or after 1 February 2020 were prohibited from entering Australia for 14 days from the time they left or transited through China. This restriction remains in place.

Effective 7 February 2020

The Government decided to utilise the Howard Springs Quarantine Facility (HSQF) in the Northern Territory. The ABF deployed staff to assist in the facilitation of repatriated Australian citizens and permanent residents from Wuhan, China, and the *Diamond Princess* cruise ship in Japan.

Effective 1 March 2020 (0000 AEDT)

Foreign nationals in Iran on or after 1 March 2020 were prohibited from entering Australia for 14 days from the time they left or transited through Iran.

Effective 5 March 2020 (2100 AEDT)

Foreign nationals in the Republic of Korea on or after 5 March 2020 were prohibited from entering Australia for 14 days from the time they left or transited through the Republic of Korea.

Effective 11 March 2020 (1800 AEDT)

Foreign nationals in Italy on or after 11 March 2020 were prohibited from entering Australia for 14 days from the time they have left or transited through Italy.

Effective 16 March 2020 (0000 AEDT)

All travellers arriving in Australia, including exempt travellers, were required to self-isolate for 14 days from the time of arrival in Australia.

Effective 16 March 2020 (0001 AEDT)

All cruise ship arrivals were prohibited for an initial period of 30 days with no new cruises allowed to commence. The ban excluded Australian flagged vessels; cruise ships returning to Australia; cruise ships in transit which had left their last international port by midnight 16 March 2020; and ships already in domestic waters and round trip cruises.

Effective 18 March 2020

On 18 March 2020, the Governor-General, on advice from the Minister for Health, declared a human biosecurity emergency in relation to the listed human disease, 'human coronavirus with pandemic potential'—COVID-19.

Effective 20 March 2020 (2100 AEDT)

Non-Australian citizens and non-residents were prohibited from entering Australia after 2100 AEDT 20 March 2020. Exemptions for key categories/occupations have ensured the flow of critical supplies and services.

Effective 25 March 2020 (1200 AEDT)

By a direction from the Minister for Health, under section 477(1) of the *Biosecurity Act 2015*, Australian citizens were prohibited from leaving Australia by sea or air, with limited exemptions. On 22 April, the Government extended this measure to 20 May 2020.

As inbound and outbound travel restrictions came into force, the ABF, as the Home Affairs Portfolio's operational lead, began assisting the Department of Foreign Affairs and Trade to facilitate repatriation flights for Australians to return home, and foreign nationals to return to their home countries.

Effective 26 Mar 2020 (amended on 2 Apr 2020 to include Nauru)

Biosecurity (Exit Requirements) Determination 2020 required persons leaving Australia from certain Australian airports to be screened for COVID-19 if travelling to the Cook Islands, Fiji, Nauru, New Caledonia, Papua New Guinea, Samoa, Solomon Islands, Timor-Leste, Tonga and Vanuatu.

Effective 27 March 2020

The Government extended the prohibition on all cruise ship arrivals by two months (to 15 June 2020). The Minister for Health determined, under section 477(1) of the *Biosecurity Act 2015*, that the operator of foreign flagged cruise ships that were in Australian territory must cause the ship to leave Australian territory as soon as reasonably practicable. All 28 vessels in Australia at that time have since departed, with the last having left on 28 April 2020.

Effective 29 March 2020 (0000 AEDT)

All passengers who arrive in Australia were required to undertake 14 days in quarantine in hotel/accommodation facilities (with limited exemptions).

Effective 29 March 2020

The ABF Commissioner wrote to all remaining foreign-flagged vessels asking them to leave. A number of these cruise ships lodged a formal request for exemption that were later rejected by the Commissioner as the presence of the vessels remained a risk to the spread of COVID-19 in Australia.

Effective 30 March 2020

The ABF amended the Customs (Prohibited Exports) Regulations 1958 to prevent price gouging, hoarding and non-commercial export of personal protective equipment (PPE), hand sanitiser and alcohol wipes during this emergency period. The ABF designed this temporary new measure to enable legitimate commercial trade and humanitarian consignments to continue.

Effective 4 April 2020

The ABF Commissioner further directed all foreign cruise ships to leave Australian waters.

Effective 20 April 2020

The Government extended restrictions on international departures by Australian citizens and permanent residents for a further four weeks until 20 May 2020.

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PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Select Committee on COVID-19

QoN Number: CV19-17

Subject: Advice from Health to the Commissioner

Asked by: Rex Patrick

Question:

Senator PATRICK: Mr Outram, when did Border Force first start interacting with the Department of Health in relation to COVID-19? I'm happy for you to take that on notice.

Mr Outram: I'll take it on notice, other than to say that I know that enhanced border measures around this started being implemented on 23 January.

Senator PATRICK: I understand. That was your evidence at the start, but clearly there would have been preps.

Mr Outram: It'd be before 23 January, and I'll come back to you on notice.

Senator PATRICK: Thank you very much. The Chief Medical Officer gave evidence to this committee that he became aware that there was clear evidence from China that there was significant human-to-human transmission and that that was a game changer. When did Border Force hear about that news?

Mr Outram: I'd have to take that on notice.

Senator PATRICK: The reason I'm going to that question—I'm not seeking to ambush you—is that the first advice you gave your own staff about how to handle COVID-19, in respect of operations at the border, appears to have been a version 1 of a document, 'Information for border staff', which was first released on 3 March, almost a month or more than a month—

Mr Outram: I will challenge that. We were providing PPE to our staff all the way through February. So I will take that on notice because you—

Answer:

23 January 2020.

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PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Select Committee on COVID-19

QoN Number: CV19-18

Subject: ABF - Chain of events

Asked by: Rex Patrick

Question:

Senator PATRICK: In respect of Border Force, could you give me the chain of events from when you first found out about human-to-human contact and the dates on which you responded.

Mr Pezzullo: We shut the border to China—

Senator PATRICK: No, this is about Border Force personnel.

Mr Outram: Our personnel, particularly at airports and seaports, have been using protective equipment since the start of this, so I'll come back on notice to you.

Answer:

On 10 January 2020, the Australian Border Operations Centre circulated national email advice, regarding the existence of **Pneumonia of Unknown Cause – China**. It noted World Health Organisation (WHO) recommendations on public health measures around the prevention of influenza and severe acute respiratory infections, including practicing hand hygiene, and the donning of a surgical mask if staff are concerned about their risk of transmission when interacting with passengers.

Updated instructions to Border Force Officers on COVID and protections were provided through a Department of Health factsheet published on 17 January 2020 and distributed to staff by the Australian Border Operations Coordination Centre on 21 January 2020.

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PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Select Committee on COVID-19

QoN Number: CV19-19

Subject: Advice from DFAT to Secretary

Asked by: Rex Patrick

Question:

Senator PATRICK: Thank you. Following on from Senator Lambie's questions, I've got an answer to a question on notice that was provided today from the Minister for Health, which states: 'On 3 January, the Department of Foreign Affairs and Trade notified the Department of Health that the cluster of pneumonia cases in Wuhan, China was receiving an increasing amount of media attention and that there had been some suggestions it was similar to SARS.' So DFAT advised Health. When were you first advised—or were you advised—of that information?

Mr Pezzullo: I doubt it would have been as early as 3 January. I'll need to check, but I doubt it. From what you've just said, I'm not sure that the foreign affairs department was referring to clinical or medical advice; it was referring to reports. I don't know if Senator Lambie has media or online reports as early as November, but reports certainly started to circulate in Asian press outlets on or about 2 or 3 January, as I found through my own examination of media clippings and the like.

Senator PATRICK: But my point is that DFAT found a reason to draw that to the attention of the Department of Health, and I'm asking: at what point did they draw our attention to it?

Mr Pezzullo: Health have a multiplicity of feeds that they—

Senator PATRICK: That's okay. If you take that on notice, that would be—

Mr Pezzullo: They have various committees that they establish. At the point at which they decide to list a human health disease or, prior to that, start to activate their communicable disease process—

Senator PATRICK: Specifically, my question is: did DFAT advise you at the same time as they advised Health?

Mr Pezzullo: I doubt it, but I'll check. I just want to be clear that it might be that that report—and I'll check because you've raised it—might be nothing more than a post being very alert and looking at local Asian media outlet reports of a SARS-like influenza-type disease starting to emanate. I found those reports myself. You can find media reports as early as, I think, 2 January. The internet's a wonderful thing. It keeps everything.

Answer:

No.

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PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Select Committee on COVID-19

QoN Number: CV19-20

Subject: Cyber Attacks on Australian Health Entities

Asked by: Rex Patrick

Question:

Senator PATRICK: Thank you. I asked a question about who might be conducting cyberattacks on Australian health entities. Are the actors, be they non-state or state actors, external or internal to Australia—that is, are you able to prosecute in respect of some of these cyberattacks? Are they coming from within Australia?

Mr Pezzullo: In terms of prosecution, you're not necessarily limited all the time. There are occasions when extraterritorial application and/or mutual assistance and/or extradition are applicable. I would seek counsel from the Australian Cyber Security Centre as to what they might be prepared to say about the origin of attacks, other than to say that cyber is a very murky place. Where people are located, where their IP is located and where their infrastructure is located are never easy things to necessarily resolve down to.

Senator PATRICK: Sure. But you're taking it on notice to see what information you can—

Mr Pezzullo: Yes, I'll consult with the Australian Cyber Security Centre as to whether they are willing to identify, even in general terms, whether the malicious actors to which I referred are predominantly—I think you're asking whether the natural person, the person hitting the key strokes, is located extraterritorially or onshore. I'll take that on notice.

Senator PATRICK: Thank you.

Answer:

This is a matter for the Australian Signals Directorate.

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PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Select Committee on COVID-19

QoN Number: CV19-21

Subject: Mr Beasley's statements

Asked by: Kristina Keneally

Question:

Senator KENEALLY: I will try to get through this as quickly as possible. Mr Pezzullo, I was talking about the third handbrake and the ability of frontline officers or Home Affairs or ABF employees to recognise the risk that the Ruby Princess posed and seek some kind of intervention. I note that today in the New South Wales commission of inquiry, Mr Beasley, the counsel assisting the commissioner, has said in his opening remarks:

At some stage a call was made from someone who said they were from home affairs to the NSW port authority's duty harbour master. The details of that call and its purpose are not yet clear.

He then goes on to say:

Later, a person who identified as being from the Australian Border Force also called the duty harbour master. The details of that call are not yet clear, but it appears that turning the ship around and sending it back to sea was discussed.

Can you, Mr Pezzullo, shed any light as to whether or not a person from Home Affairs called the New South Wales Port Authority's duty harbour master and why?

Mr Pezzullo: I've not seen those assertions or contentions to that inquiry by Mr Beasley. I'll read the transcript very carefully and see if there is anything I can assist you with after I have read his contention to Commissioner Walker.

Senator KENEALLY: Thank you, I'd appreciate that.

Answer:

The Department is not aware of the specific information which informed Mr Beasley's opening statement. From information available to the Department the following is directly relevant:

In the early hours of Thursday 19 March 2020 an officer of NSW Police Marine Area Command sought assistance from the Home Affairs on-call duty officer in relation to "third hand" reports of two possible COVID-19 cases on board the Ruby Princess. The NSW police officer advised that NSW Port Authority "were having issues raising anyone from NSW Health to notify". The NSW police officer also advised that, subsequently, NSW Port Authority had been in contact to clarify that Carnival Cruises had confirmed that the cases were "Non-COVID-19 related illnesses".

The on-call duty officer relayed this information to the ABF Regional Coordination Unit, having made his own inquiries with NSW Port Authority. The Home Affairs on-call duty officer played no role in providing a health assessment, and nor did he seek to do so.

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PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Select Committee on COVID-19

QoN Number: CV19-22

Subject: Volume of arrivals in Australia

Asked by: James Paterson

Question:

Senator PATERSON: What's the volume of people coming to Australia now compared to normal?

Mr Outram: We're down by about 98 per cent.

CHAIR: Do you have a figure in terms of actual people?

Mr Outram: If you can give me some time, we'll get that before the end of this hearing. We do have statistics in relation to the number of travellers coming in. We're about 98 per cent down on what we would have had this time last year.

Senator PATERSON: Thank you. Those raw numbers would be interesting: who came in an average week prior to all this and who is now coming in an average week.

Answer:

Over the seven days between 27 April 2020 and 3 May 2020, when compared with the same period in 2019, total arrivals into Australia by air and sea have decreased by approximately 97 per cent.

Year	Approximate total air and sea arrivals
2019	459,000
2020	15,000

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PARLIAMENTARY INQUIRY SPOKEN QUESTION ON NOTICE

Select Committee on COVID-19

QoN Number: CV19-23

Subject: Inbound Exemptions

Asked by: James Paterson

Question:

Mr Outram: In relation to inbound exemptions there are, I think, five categories including people who come into Australia to help us fight COVID-19, people who have a particular role in an organisation for economic purposes and people coming in on humanitarian or welfare grounds. There are a number of different classes of cases of people and exemptions that are required. I have to make those decisions case by case, and it's hard to apply a no-harm rule to that. On the one hand I have to balance the advice from the AHPPC that the vast majority of COVID-19 cases have been imported from people coming from overseas and there's a need to protect our country and community from COVID-19; on the other hand, in some of the welfare or humanitarian cases—it's kind of heartbreaking in a way because people would ordinarily be able to come and see people who are critically ill, terminally ill or who have passed. But let me say this: I have granted around 73 per cent of those requests and denied, therefore, about one-quarter in that particular category, under humanitarian grounds. On the arrangements for people leaving Australia, the categories are slightly different. There are some fixed categories and there are some discretionary categories. I have the ability to delegate that decision-making for outbound Australians who are leaving Australia. Senator, I could give you on notice what the categories are and how many people we've approved and not approved.

CHAIR: That would be great, and the raw numbers and the main categories

Answer:

There are five main categories for Outbound Commissioner Discretions:

1. Persons whose travel is as part of the response to the COVID-19 outbreak, including the provision of aid.
2. Persons whose travel is essential for the conduct of critical industries and business (including export and import industries).
3. Persons who are travelling to receive urgent medical treatment that is not available in Australia.
4. Persons who are travelling on urgent and unavoidable personal business.
5. On compassionate or humanitarian grounds.

From 25 March 2020 to 6 May 2020 the statistics are as follows for Outward Commissioner Discretions:

Outwards Commissioner Discretions			
Category	Approved	Refused	Grand Total
Response to the COVID-19 outbreak	53	21	74
Critical industries and business	136	45	181
Urgent medical treatment not available in Australia	45	28	73
Urgent and unavoidable personal business	514	277	791
Compassionate or humanitarian grounds	2189	694	2883
Grand Total	2937	1065	4002

For refused outward discretions, this is often due to insufficient supporting evidence being provided in their application. Applicants are encouraged to re-apply and submit the necessary information so their travel exemption could be considered.

From 2 February 2020 to 6 May 2020 the statistics are as follows for Inbound Commissioner Discretions:

Inwards Commissioner Discretions			
Category	Approved	Refused	Grand Total
Business Leaders	57	6	63
Compassionate	801	195	996
Critical Skill - Medical	221	9	230
Critical Skill - Other	252	7	259
Diplomatic	112	1	113
Medevac Patients	12	0	12
Students	121	1	122
Protection Visa Holders	329	34	363
Transits	4967	9	4976
Grand Total	6872	262	7134