

**HOME AFFAIRS PORTFOLIO
DEPARTMENT OF HOME AFFAIRS**

PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Senate Select Committee COVID-19

QoN Number: CV19-01

Subject: COVID-19 Tracing App - lead authority

Asked by: Rex Patrick

Question:

Who does the Department understand to be the lead authority for the app? Please indicate if this has changed over time, and if so, why?

Answer:

The lead agencies for the COVIDSafe application are the Department of Health and Digital Transformation Agency (DTA).

Early development of a potential application was undertaken by the Department of Home Affairs, in collaboration with the Department of Health and the DTA.

The Department of Home Affairs undertook this work in support of the Department of Health and the DTA who were undertaking urgent work developing the Coronavirus Australia application and updating the australia.gov.au website.

On 3 April 2020, the Department of Home Affairs ceased all activity on the prototype design and handed all work over to the DTA, who developed the COVIDSafe application with the Department of Health.

The Department of Home Affairs had no further involvement in the design, development, procurement activities, or hosting of the COVIDSafe application.

**HOME AFFAIRS PORTFOLIO
DEPARTMENT OF HOME AFFAIRS**

PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Senate Select Committee COVID-19

QoN Number: CV19-02

Subject: COVID-19 Tracing app - Department involvement

Asked by: Rex Patrick

Question:

What involvement has the Department (or its portfolio agencies) had in the design/development/procurement of the app?

Answer:

The lead agencies for the COVIDSafe application are the Department of Health and Digital Transformation Agency (DTA).

Early development of a potential application was undertaken by the Department of Home Affairs, in collaboration with the Department of Health and the DTA.

The Department of Home Affairs undertook this work in support of the Department of Health and the DTA who were undertaking urgent work developing the Coronavirus Australia application and updating the australia.gov.au website.

On 3 April 2020, the Department of Home Affairs ceased all activity on the prototype design and handed all work over to the DTA, who developed the COVIDSafe application with the Department of Health.

The Department of Home Affairs had no further involvement in the design, development, procurement activities, or hosting of the COVIDSafe application.

**HOME AFFAIRS PORTFOLIO
DEPARTMENT OF HOME AFFAIRS**

PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Senate Select Committee COVID-19

QoN Number: CV19-03

Subject: COVID-19 Tracing - Advice

Asked by: Rex Patrick

Question:

Which Government Departments/ Agency have provided the Department with advice relating to the app?

Answer:

The lead agencies for the COVIDSafe application are the Department of Health and Digital Transformation Agency (DTA).

Matters of advice relating to the COVIDSafe application should be directed to the Department of Health and the DTA.

**HOME AFFAIRS PORTFOLIO
DEPARTMENT OF HOME AFFAIRS**

PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Senate Select Committee COVID-19

QoN Number: CV19-04

Subject: COVID-19 Tracing app - Contracts

Asked by: Rex Patrick

Question:

What contracts has the Department let in relation to the application (including development/data storage etc.)? For each contract:

- a. When was the tender released?
- b. What procurement method was used?
- c. If a limited tender was used:
 - i. What was the reason for choosing a limited tender?
 - ii. What date was the tender issued?
 - iii. Which entities were invited to tender?
 - iv. How was clause 4.7 of the Commonwealth Procurement Rules assessed?
 - v. On what date were the tender responses received?
 - vi. Which officials were involved in the decision to award a tender – please provide a name if the official was a member of the Senior Executive Service
 - vii. What date was the contract signed?
 - viii. What is the scope of work?
 - ix. What is the contract value?
 - x. What is the term of the contract?
- d. Does the contract award accord with Digital Transformation Agency and Government principles as enshrined in DTA's Whole-of-government Hosting Strategy"?

<https://www.dta.gov.au/our-projects/whole-government-hosting-strategy>)

Answer:

The Department of Home Affairs commenced procurement activities in relation to an early 'conceptual prototype' design. The following existing Whole-of-Government Panels and Standing Offers were used to engage three (3) vendors. Matters relating to the COVIDSafe procurement should be directed to the DTA.

Table 1 – Procurements Prototype Development

Name	Panel or Standing Offer	Value Ex GST
Amazon Web Services (AWS)	DTA AWS Whole of Government Arrangement – Standing Offer	\$164,995.64
The Boston Consulting Group (BCG)	DTA Digital Marketplace Whole of Government Panel – Standing Offer	\$220,000.00
CTO Group	Treasury Portfolio Panel – Standing Offer	\$31,200.00
TOTAL COST		\$416,195.64

- a. Not applicable as existing Whole-of-Government Panels and/or Standing Offers were used.
- b. Please refer to Table 1- Procurements Prototype Development (above).
- c. A limited tender was not used.
- d. Yes.

**HOME AFFAIRS PORTFOLIO
AUSTRALIAN BORDER FORCE**

PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

QoN Number: CV19-05

Subject: Written advice - Biosecurity Determination - Commissioner

Asked by: Kristina Keneally

Question:

Did Commissioner Outram provide any written advice regarding the Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements) Determination 2020 made on 18 March 2020? If so, please be prepared to table this advice on 5 May, and please circulate electronic copies of this advice via the Secretariat in advance of the hearing (at least 30 mins prior) to assist Senators who are participating in the committee remotely.

Answer:

The Australian Border Force Commissioner did not provide written advice regarding the Biosecurity Determination 2020 made on 18 March 2020.

**HOME AFFAIRS PORTFOLIO
AUSTRALIAN BORDER FORCE**

PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee on COVID-19

QoN Number: CV19-06

Subject: Maritime Arrivals Reporting System

Asked by: Kristina Keneally

Question:

Commissioner Outram has previously confirmed that the ABF has access to the Department of Agriculture's Maritime Arrivals Reporting System. When did Australian Border Force first receive a Human Health Report from the Ruby Princess?

Answer:

To clarify, the Australian Border Force (ABF) and Home Affairs do not have access to Maritime Arrivals Reporting System (MARS) and any questions relating to this system or who has access to the system should be referred to the Department of Agriculture, Water and the Environment as the owners of that system.

Further the ABF may from time to time receive information from MARS if, as and when the Department of Agriculture, Water and the Environment decide to share such information as part of our standing practices for approving vessels for cruise ships entering Australia or for reception planning by our Regional Command Centres.

On this occasion, at 01:51 on 19 March 2020, the ABF Regional Coordination Unit NSW received an email from the Port Authority NSW advice from *Ruby Princess* stating that NSW Health have cleared vessel for disembarkation without any conditions outside of general precautions. A copy of Human Health Report submitted to the Department of Agriculture, Water and the Environment was attached to this email advice.

**HOME AFFAIRS PORTFOLIO
AUSTRALIAN BORDER FORCE**

PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Senate Select Committee on COVID-19

QoN Number: CV19-07

Subject: Information for the cruise industry

Asked by: Kristina Keneally

Question:

According to a COVID-19 fact sheet entitled 'Information for the cruise industry' released by the Australian government on 6 March, if an ill traveller is reported 'a biosecurity officer will liaise with the vessel to screen for COVID-19'. The Ruby Princess reported 158 ill passengers, including 17 with high fevers. How many federal biosecurity officers met the Ruby Princess's 2,700 passengers when it docked in Sydney on 17 March?

a. What actions did these officers take to screen for COVID-19?

Answer:

This is a matter for the Department of Agriculture, Water and the Environment.

**HOME AFFAIRS PORTFOLIO
AUSTRALIAN BORDER FORCE**

PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Senate Select Committee on COVID-19

QoN Number: CV19-08

Subject: Disembarking passengers - surgical masks

Asked by: Kristina Keneally

Question:

The same COVID-19 fact sheet states that disembarking cruise ship passengers with no signs or symptoms of COVID-19 'must wear a surgical mask' when travelling domestically or on public transport or in taxis in Australia to reach their home. Did federal biosecurity officers direct the 2,700 disembarking passengers from the Ruby Princess to wear a surgical mask to travel home?

Answer:

This is a matter for the Department of Agriculture, Water and the Environment.

**HOME AFFAIRS PORTFOLIO
AUSTRALIAN BORDER FORCE**

PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee on COVID-19

QoN Number: CV19-09

Subject: Advice on Determination

Asked by: Kristina Keneally

Question:

If Commissioner Outram did not provide advice, did he or his staff provide advice to Secretary Pezzullo provide advice regarding the Determination? If so, please be prepared to table this advice on 5 May, and please circulate electronic copies of this document via the Committee Secretariat in advance of the hearing (at least 30 mins prior) to assist Senators who are participating in the hearing remotely.

Answer:

The Australian Border Force did not provide advice to Secretary Pezzullo regarding the Determination prior to the determination being put in place.

**HOME AFFAIRS PORTFOLIO
DEPARTMENT OF HOME AFFAIRS**

PARLIAMENTARY INQUIRY WRITTEN QUESTION ON NOTICE

Select Committee on COVID-19

QoN Number: CV19-10

Subject: Access to Maritime Arrivals Reporting System

Asked by: Kristina Keneally

Question:

Commissioner Outram has previously confirmed that the ABF has access to the Department of Agriculture's Maritime Arrivals Reporting System. Do any Home Affairs officers – other than ABF officers – have access to the Maritime Arrivals Reporting System?

- a. If yes, when did these officers first receive a Human Health Report from the Ruby Princess?
- b. If no, given the risks known about cruise ships and COVID-19, did Home Affairs officers proactively seek out the Human Health Report from the Ruby Princess? If not, why not?

Answer:

Please refer to CV19-06.



OSEC 1074

Senator Katy Gallagher
Committee Chair
Senate Select Committee on COVID-19
Department of the Senate
PO Box 6100
Parliament House
CANBERRA ACT 2600

Dear Senator,

In advance of my appearance at the hearing of the Senate Select Committee on COVID-19 (the Committee) on 5 May 2020, Senator Keneally has asked on notice:

'Did Secretary Pezzullo provide any written advice regarding the Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) (Emergency Requirements) Determination 2020 made on 18 March 2020? If so, please be prepared to table this advice on 5 May...'

In response to this question, the following two documents are produced:

- Letter from Secretary Michael Pezzullo to Acting Secretary Caroline Edwards dated 15 March 2020 1830hrs; and
- Letter from Secretary Michael Pezzullo to Acting Secretary Caroline Edwards dated 16 March 2020.

A redaction has been made to the letter dated 16 March that relates to Cabinet-in-Confidence detail.

Ordinarily, consideration would have been given to making a claim for Public Interest Immunity in relation to both documents, however in light of the significance of the work of the Committee, the decision has been made to provide the documents in full, apart from the minor redaction mentioned above.

In doing so, the Minister does not intend to set a precedent as to whether Public Interest Immunity will be considered and potentially claimed in relation to other future questions or requests for production of documents. Such considerations will be made by the Minister on a case by case basis.

Yours sincerely

Michael Pezzullo
Secretary

5 May 2020

Attachments:

- A. Letter to Acting Secretary Health dated 15 March 2020
- B. Letter to Acting Secretary Health dated 16 March 2020

SENSITIVE: LEGAL



Australian Government
Department of Home Affairs

SECRETARY

OSEC 592/20

Ms Caroline Edwards
Acting Secretary
Department of Health
GPO Box 9848
CANBERRA ACT 2601

caroline.edwards@health.gov.au

Dear Ms Edwards

I write in relation to the Emergency Powers available under Chapter 8 of the *Biosecurity Act 2015* (the Act), and the potential utility of these powers to reinforce the decision taken today to exclude cruise ships from Australian Ports.

I seek your consideration of having the Governor-General, on the advice of the Minister for Health, declare a human biosecurity emergency pursuant to section 475 of the Act. I am of the view that sufficient evidence exists at this time to establish the grounds to the satisfaction of the Health Minister that are required for that step to be taken.

In particular, I hold concerns regarding the arrival and movement of cruise ships in Australian ports, the management of disembarkation and mass quarantine, and the pressure that would place on Australian medical resources. It is for these reasons that the decision has been taken by the government today in relation to denying international cruise ships access to Australian ports.

Relevant to that consideration, were an emergency declaration to be made I would then seek your urgent consideration of utilizing the powers under section 477 of the Act to make a requirement that cruise ships travelling from international ports not enter Australian waters. It may also be appropriate to extend this requirement to movement of cruise ships between Australian ports.

While action is currently being taken in relation to limiting the purposes of Australian ports under section 15 of the *Customs Act 1901*, I have come to the view that the requirement that could be made under section 477 of the *Biosecurity Act 2015* would be the most appropriate and comprehensive means of achieving the management of the biosecurity risk posed by the introduction of cruise ships to Australian ports. As such, it presents as the option with less risk of legal challenge.

If the Health Minister makes a requirement regarding cruise ships, I foreshadow that a request with further and better particulars would be forthcoming, tomorrow morning on current plans. It could provide the ABF Commissioner as Comptroller-General with an ability to give a vessel permission to enter a port in certain

SENSITIVE: LEGAL

SENSITIVE: LEGAL

circumstances so as to be able to appropriately deal with vessels already in transit and other emergency situations that may arise.

Once a human biosecurity emergency declaration has been made, the powers that are then available to the Minister will be at the ready as further issues emerge that may require such action. This capacity I anticipate will be required soon.

My officers stand ready to assist with any work required in support of the consideration of either of the two decisions at hand.

I have copied this letter to the Secretary of Prime Minister & Cabinet, the Secretary of the Attorney-General's Department, the Chief Medical Officer, the Chief of Staff to the Prime Minister, the Chief of Staff to the Minister for Home Affairs, Mr Paul Grigson (National Coordination Mechanism), Ms Foster (Deputy Secretary Governance PM&C), the Australian Federal Police Commissioner, the Chief of the Defence Force and the Australian Border Force Commissioner.

Yours sincerely



Michael Pezzullo
Secretary

15 March 2020

1830Lrs

SENSITIVE: LEGAL

SENSITIVE: LEGAL



Australian Government
Department of Home Affairs

SECRETARY

OSEC 592/20

Ms Caroline Edwards
Acting Secretary
Department of Health
GPO Box 9848
CANBERRA ACT 2601

caroline.edwards@health.gov.au

Dear Ms Edwards

I wrote to you yesterday to seek your consideration of having the Governor-General declare a human biosecurity emergency pursuant to section 475 of the *Biosecurity Act 2015* (the Act). I foreshadowed that I would further write to you with details regarding the making of potential requirements and directions to address the concerns I raised yesterday regarding the arrival of cruise ships in Australian ports, the management of disembarkation and mass quarantine, and the pressure that would place on Australian medical resources.

The Prime Minister announced yesterday that the Australian Government would ban cruise liners from foreign ports from arriving at Australian ports for an initial 30 days. To give that effect, I ask that you consider making a requirement and direction that:

- the operator of an international passenger cruise ship on a voyage from a port outside Australian territory must cause the vessel not to enter a port in Australian territory before 15 April 2020 by legal time in the Australian Capital Territory; and
- international passenger cruise ship has the same meaning as in section 169 of the *Migration Act 1958*.

[REDACTED] I ask that you consider making requirements and directions that exemptions to the exclusion requirement and direction may be granted by the Commissioner of the Australian Border Force as Comptroller-General of Customs.

Those exceptions would cover:

- Australian flagged vessels; and
- international passenger cruise ships enroute having already departed their last overseas port and destined for Australia.

SENSITIVE: LEGAL

SENSITIVE: LEGAL

For international vessels already enroute to Australia and vessels in distress, I ask that you consider requirements and directions that the exclusion exception may be subject to conditions. Those conditions would allow vessels with suspected COVID-19 cases to be directed to go to certain jurisdictions where enhanced controls can be applied in line with the recently developed National Health Protocol for Managing COVID-19 Risk from Cruise Ships.

Of course, the Minister for Health retains the discretions under sections 477 and 478 of the Act and could consider any applications for exemptions on advice from the Commissioner of the Australian Border Force as Comptroller-General or elsewhere.

I have copied this letter to the Secretary of Prime Minister & Cabinet, the Secretary of the Attorney-General's Department, the Chief Medical Officer, the Chief of Staff to the Prime Minister, the Chief of Staff to the Minister for Home Affairs, Mr Paul Grigson (National Coordination Mechanism), Ms Foster (Deputy Secretary Governance PM&C), the Australian Federal Police Commissioner, the Chief of the Defence Force and the Australian Border Force Commissioner.

Yours sincerely



Michael Pezzullo
Secretary

16 March 2020

