



## THE SENATE SELECT COMMITTEE ON COVID-19

12 August 2020

Mr Michael Outram APM  
Commissioner  
Australian Border Force

*Via email:*

Dear Commissioner

Thank you for your service to the people of Australia during a difficult period for our nation.

Over the past six months, the COVID-19 pandemic has challenged the resources and capabilities of governments and government agencies at the federal, state and local level.

On behalf of the Senate Select Committee on COVID-19 (the Committee), please pass on our thanks to your front-line officials for their hard work and commitment to keep Australia safe.

The challenging nature of an unprecedented global pandemic has led to mistakes – and few have been more significant than the decision to allow the *Ruby Princess* to dock in Sydney Harbour and disembark its passengers on 19 March 2020.

Ultimately, the Commonwealth is accountable for the management of our borders, and while some state agencies play a role, fundamentally the buck stops with those empowered by the Parliament under federal legislation.

Since your appearance before the Committee on 5 May where you gave evidence on this topic, a significant amount of new information has come to light, principally through two submissions the Commonwealth has made to the New South Wales Special Commission of Inquiry into the *Ruby Princess* (the NSW Inquiry).

I request that you reflect on the evidence you provided to the Committee on 5 May, and I invite you to correct your evidence where you feel appropriate.

In particular, I note that the Commonwealth submissions to the NSW Inquiry reveals that:

- It was officials from Australian Border Force and the Department of Agriculture who were onboard the *Ruby Princess* on 19 March, and it was these officials that provided practical and formal pratique, which allowed *Ruby Princess* passengers to disembark.
- An Australian Border Force official provided ‘practical pratique’ – allowing the passengers to disembark – despite not having the legal authority to provide pratique, and before any Commonwealth official had received the health assessment from New South Wales Health or conducted the appropriate human health checks.

- Despite knowledge of ill passengers onboard with symptoms consistent with COVID-19, Department of Agriculture human biosecurity officials failed to conduct new health checks specifically required by the new “National Protocol for Managing Novel Coronavirus disease (COVID-19) risk from Cruise Ships”.
- Tragically, Australian Border Force officials incorrectly read the tests results for sick passengers on the Ruby Princess – mistaking negative flu test results for negative COVID-19 test results – before allowing those passengers to disembark.

Additionally, I also draw your attention to the attached Australian Border Force documents that Senator Keneally has obtained via a Freedom-of-Information request.

These documents show that senior officials in the Australian Border Force have known since 20 March – one day after the Ruby Princess passengers disembarked – about your official’s error in communicating those COVID-19 test results.

Given this new information, it would assist the Committee if you could review your evidence. In particular, I would invite you to consider the following evidence you provided:

**Statement 1:**

*We don't undertake that function, as you've heard today. We don't have a biosecurity function. We don't attend at all to any medical records or medical reports or MARS or any of those things to make such a determination...*

I invite you to explain your statement given the Commonwealth’s statement to the NSW Inquiry indicates that:

- A senior ABF official asked another ABF official at 5:59am on 19 March to, *"investigate information about ill passengers on the Ruby Princess and to provide a report."* (Paragraph 148, Exhibit 114).
- At around 6:56am a number of different ABF officers were advised from another ABF officer that, *"based on the advice from New Zealand, that passengers on the Ruby Princess did not undergo testing in New Zealand and asked that officers be informed accordingly."* (Paragraph 160, Exhibit 114).
- An ABF official, *"asked the Port Agent to send this information [the test results of passengers] to him in writing in an email"* (Paragraph 172, Exhibit 114)
- The ABF official received the email he requested, including a document titled *"Lab form for coronavirus testing from a cruise ship"* from the ship's Port Agent (Paragraph 173, Exhibit 114).
- In receiving this email, the ABF official, *"misinterpreted this document"*, mistaking negative flu results for negative COVID-19 results (Paragraph 173, Exhibit 114).
- The ABF official then provided a report via email to senior ABF officials where he relied on his misinterpretation of these test results and reported, *"[a]dvice received (see attached doctors report) from Port Agent re swab tests from isolated pax on Ruby Princess. All tests returned back NEGATIVE."* (Paragraph 174, Exhibit 114).

- The same ABF official provided a "further report" to senior ABF officials where he prepares his own incorrect summary of test results in a "table containing personal details including name, passenger/crew, status, 'Swabs Taken' and 'Results'" (Paragraph 177, Exhibit 114). This same email was also sent to the Department of Agriculture by the same ABF official (Paragraph 178, Exhibit 114).

### Statement 2:

*Pratique is given by the department of agriculture to vessels to come into port—and they can talk about that—and that's the biosecurity side of it...*

I invite you to explain your statement given the Commonwealth's statement to the NSW Inquiry indicates that:

- "At the conclusion of ABF's customs and immigration checks, someone from the Ruby Princess crew asked whether the vessel had clearance to disembark and [an ABF official] responded 'yes'." (Paragraph 158, Exhibit 114)
- However, the Commonwealth notes that this approval by the ABF official to disembark at approximately 6:30am, was provided before pratique was formally granted:
 

*"The Commonwealth's view is that pratique was granted by [an Agriculture] biosecurity officer, by her submission of a routine vessel inspection form in MARS at 7.37am." (Paragraph 51, Exhibit 119).*
- Further, the Commonwealth notes:
 

*"...pratique appears not to have been formally granted before disembarkation, clearly passengers were permitted to disembark in advance of that occurring and no biosecurity officers sought to prevent passengers from disembarking." (Paragraph 52.1, Exhibit 119).*
- The Commonwealth goes on to describe the actions of the ABF official to allow passengers to disembark at approximately 6:30am as "practical granting of pratique to allow passengers to depart" (Paragraph 52.1, Exhibit 119).

### Statement 3:

*But what my officer did wasn't to give them permission or not give them permission; she simply shared with them information that we had from New South Wales Health that said an expert panel of four biosecurity experts, medical doctors, cleared the ship for disembarkation of passengers and crew. That information was known to the Border Force at that time, at two o'clock in the morning. It was also known to the Department of Agriculture and it was known to New South Wales Health. The decisions that flowed from that advice really hinged on that advice from the expert panel of four doctors, who said: 'It's low risk. You're free to disembark the passengers'...*

I invite you to explain your statement given the Commonwealth's statement to the NSW Inquiry indicates:

- On 21 February 2020, the Department of Agriculture requested that New South Wales Health notify them, "by text or email 'once the risk assessment is done and [NSW Health] decides to attend a vessel'" (Paragraph 33, Exhibit 19).

- The Commonwealth noted that this, "*process was followed regularly in the five weeks before 18 March 2020, but ceased in the days leading up to that date*" (Paragraph 34, Exhibit 19).
- In the absence of NSW Health proactively providing the Department of Agriculture with its health risk assessment, the first time any Commonwealth official proactively sought NSW Health advice about the Ruby Princess was at 7:31am (Paragraphs 43-4, Exhibit 119).
- The Commonwealth also notes, "*it would have been preferable if explicit confirmation had been sought from NSW Health as to their assessment*" prior to passengers disembarking the Ruby Princess (Paragraph 35, Exhibit 19).

It would assist the Committee if you could provide an explanation to the apparent differences between your evidence and the evidence the Commonwealth provided to the NSW Inquiry. And, if you do need to correct the record, the Committee would also appreciate your explanation as to why the evidence you initially provided to the Committee now needs to be corrected.

I ask that you respond to this letter by midday Thursday 13 August 2020.

I look forward to your response.

Kind regards

Senator Katy Gallagher  
**Committee Chair**