



THE SENATE SELECT COMMITTEE ON COVID-19

12 August 2020

Mr Andrew Metcalfe AO
Secretary
Department of Agriculture, Water and the Environment

Via email:

Dear Secretary

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 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:

In the case of the passengers and crew of the Ruby Princess, my officers acted in accordance with the relevant health protocols and on the advice of the health authorities...

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

- *Agriculture also has an internal operational guideline that outlines the process that occurs to manage human biosecurity risks when a traveller on board an international vessel has died, is ill or has been ill. The directions provided for Agriculture biosecurity officers to administer a ‘Traveller with Illness Checklist’ (TIC).” Paragraph 78, Exhibit 114)*
- *As part of administering the Traveller with Illness Checklist, Agriculture officials are directed to, “provide the traveller with a surgical mask if they do not already have one.” (HEA.0006.0002.0004)*
- *“While on board, Ms Joseph did not administer a TIC.” (Paragraph 155, Exhibit 114)*
- *“The Commonwealth accepts that a Human Health Inspection of the Ruby Princess was, according to its own policies (although not by law), required on 19 March 2020 and that as a result of specific practices followed at the Port of Sydney, aspects of that Human Health Inspection (including administration of the TIC) were not completed.” (Paragraph 47 of Exhibit 119)*
- *The Commonwealth admits that “a practice existed within Agriculture of not administering the TIC to each sick passenger on cruise ships arriving in Australia at the Port of Sydney... [because] it was considered that it would take an impractical amount of time to administer on cruise ships.” (Paragraph 40, Exhibit 119)*

Statement 2:

My officers relied entirely on the advice from health authorities...

That would have been my department, and there was interaction—I think again we've made that clear—between us and the ship. But, as I indicated in my opening statement, we rely upon the advice from the medical experts—in this case, NSW Health authorities. We know that they engaged directly with the ship—and, indeed, my officers checked after the ship's arrival to reconfirm the advice that we received from NSW Health...

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, one hour after passengers started to disembark the Ruby Princess (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).

Further, the Commonwealth's statement to the NSW Inquiry indicates that it was the ABF and not Agriculture that granted practical pratique:

- *"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 officers 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).

Finally, the Commonwealth's statement to the NSW Inquiry indicates that Department of Agriculture officials relied on an ABF official incorrect interpretation of medical results:

- 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).

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