



ANDREW METCALFE AO  
SECRETARY

31 August 2020

Senator Katy Gallagher  
Committee Chair  
Senate Select Committee on COVID-19

Dear Senator Gallagher

The Minister's and Department's responses to the questions on notice from the Senate Select Committee on COVID-19 are **attached**.

As noted in my opening statement of 18 August 2020 to the Committee, these are complicated matters, and the legislative framework was described the NSW Special Commission as 'by no means straight forward to describe'.

Ms Canning and I have now had an opportunity to review the Hansard record of the Committee's hearings on 18 August and the totality of our evidence. It is my reflection that the difficulty in explaining to the committee the complex practical pratique concept, which is critical in understanding the events of the morning of 19 March 2020, led both Ms Canning and I to use the phrase 'oral' or 'verbal' pratique at one point during the hearing.

As the NSW Special Commission report states, there is an available inference that the biosecurity officer intended to grant pratique at an earlier time than when the decision was recorded. It is reasonable, in understanding the overall events, to assume that some form of non-written indication allowed others on the ship to infer that pratique was granted.

There is no question that pratique was granted. Formally, it was recorded at 7.37am on 19 March 2020.

The totality of my evidence on 18 August 2020 to the Committee relied on this concept of 'practical pratique' to explain that due to technology difficulties, the pratique decision was recorded at a time later than the decision. What is clear is that my officer did, in fact, grant pratique to the *Ruby Princess*.

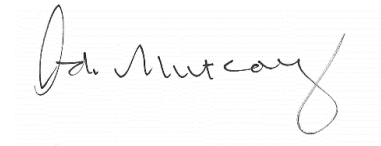
I believe that my officers acted in good faith throughout the biosecurity activities and disembarkation of the *Ruby Princess*. They relied on the low risk assessment of NSW Health, as the NSW Special Commission of Inquiry indicated they were entitled to. They were particularly diligent in checking with NSW Health, by text at 7.31am, when they understood swabs were taken from the *Ruby Princess* and confirmed with NSW their low risk assessment, that passengers were free to disembark and that appropriate notices were being provided.

In providing this evidence to the Committee, I am relying on the Commonwealth's voluntary statements to the NSW Special Commission of Inquiry into the *Ruby Princess*. It is clear from those statements that there are various differing recollections of what

precisely happened on board the *Ruby Princess*. I do not have any more clarity about the events of that day than is in those statements.

I hope that our comprehensive responses to the Questions on Notice will further assist the Committee.

Best wishes

A handwritten signature in black ink, appearing to read "Ad Metcalfe", written over a light blue grid background.

Andrew Metcalfe AO