

TRANSCRIPT

PUBLIC ACCOUNTS AND ESTIMATES COMMITTEE

Inquiry into the Victorian Government's Response to the COVID-19 Pandemic

Melbourne—Wednesday, 26 August 2020

(via videoconference)

MEMBERS

Ms Lizzie Blandthorn—Chair

Mr Richard Riordan—Deputy Chair

Mr Sam Hibbins

Mr David Limbrick

Mr Gary Maas

Mr Danny O'Brien

Ms Pauline Richards

Mr Tim Richardson

Ms Ingrid Stitt

Ms Bridget Vallence

WITNESSES

Ms Lisa Neville, MP, Minister for the Coordination of Environment, Land, Water and Planning: COVID-19,

Mr John Bradley, Secretary, Department of Environment, Land, Water and Planning;

Ms Rebecca Falkingham, Secretary, Department of Justice and Community Safety;

Mr Shane Patton, Chief Commissioner, Victoria Police; and

Mr Andrew Crisp, Emergency Management Commissioner, Emergency Management Victoria.

The CHAIR: Welcome to the second series of public hearings for the Public Accounts and Estimates Committee Inquiry into the Victorian Government's Response to the COVID-19 Pandemic. The committee will be reviewing and reporting to the Parliament on the responses taken by the Victorian government, including as part of the national cabinet, to manage the COVID-19 pandemic and any other matter related to the COVID-19 pandemic. We ask that people note that members are attending these hearings remotely from home and from their electorate offices, and we note that members are not required to wear a face covering if they are working by themselves in an office under the stay-at-home directions of 6 August, part 2, section 7(i).

We advise that all evidence taken by this committee is protected by parliamentary privilege. Therefore you are protected against any action for what you say here today, but if you repeat the same things outside this forum, including on social media, those comments may not be protected by this privilege. You will be provided with a proof version of the transcript for you to check. Verified transcripts, presentations and handouts will be placed on the committee's website as soon as possible.

Minister, we welcome you and your officials. We invite you to make a brief opening statement of no more than 8 minutes. We ask that you state your name, position and the organisation represented for broadcasting purposes. This will be followed by questions from the committee. Thank you, Minister.

Ms NEVILLE: Thank you, Chair. Lisa Neville, Minister for Police and Emergency Services and Minister for Water.

Visual presentation.

Ms NEVILLE: I will just take you through, briefly, the presentation I have. The first slide shows us really the timetable and particularly where police and their involvement through the COVID period have been. You can see through that slide that it has been a very dynamic situation. It has gone on for a long time. Through that period at some points Victoria Police have been actively enforcing directions and at other times with more discretion and again, as cases increased, continuing to increase their enforcement activity. The State Control Centre has been operating in relation to COVID since tier 2, so that is at a more significant level—it operates 24 hours, seven days a week—since 11 March, and 16 March is when the state of emergency was first declared. At that point police powers were enlivened under that state of emergency. Their powers are enlivened once a state of emergency is in place and the Chief Health Officer authorises that. Similarly, because of that Victoria Police set up their first police operations centre, which also operates 24 hours, seven days a week. And really for most of that time we have also had the ADF working in the State Control Centre; they have probably been there really since the bushfires.

Following national cabinet deliberations in late May, when we started to look at stage 1 and 2 restrictions, Victoria Police established their first operation, which was Operation Sentinel. That had 500 police that were available. It also started to utilise, a little bit later, PSOs that were no longer needed on the transport system, and since that time they have done an incredible job responding to a range of operations as well as the enforcement of CHO directions.

You will see we started to reduce restrictions in May, but then again later in June they started to escalate again, and really July–August saw significant restrictions and stage 4, which has seen Victoria Police do a number of operations—being involved in postcode checks, being involved in regional roadblocks, mask enforcement and curfew enforcement as well as the general CHO directions.

To take you through it in a bit more detail, on the next slide, Victoria Police is a support agency, I suppose, in many ways, to the Chief Health Officer directives. Aside from authorised officers, they are the only ones who are able to issue infringements and to enforce these Chief Health Officer directives, and as I said that is due to the state of emergency abilities.

In terms of Operation Sentinel, since we have gone into stage 4, and particularly the roadblocks and the curfews, we now have 750 police that are targeted just at that operation, but of course we still use general policing. Our transit team, our highway patrol and all police really on a day-to-day basis are involved in some way in putting in place and enforcing the CHO directives.

Operation Shielding—this is where we made some changes in relation to the PSO role. We have, as you know, met significant numbers of PSOs that have been on our train stations and across our transport system. But with significant declines in the use of public transport, we commenced back on 9 April releasing some of those PSOs to play a really important role, particularly in commercial areas, to stop commercial robberies—areas that are still empty now. This was an opportunity to have a strong police and PSO presence. They have continued to play a role in our metropolitan rail system as well as on our regional rail system but at a much lower level, given that we have been able to utilise excess resources because of the decline in public transport.

Operation Ribbon—hopefully I will get to talk a little bit more about this—this is a really proactive operation that police have put into place to reach out to family members affected by family violence as well as perpetrators. We were very conscious that people may find it difficult to report family violence, and that was some of the evidence we were seeing in terms of report numbers. So Victoria Police went out and started to reach out—by phone, by visits, by email—to affected family members. We have now done over 18 000—that figure is a little bit out of date now—interactions and nearly 13 000 contacts with affected family members, and that has absolutely picked up people who have been in breach of intervention orders and helped to protect women and children who were potentially subjected to family violence.

Operation Benessere—this is probably something that was incredibly difficult and also something that police probably never thought they would have a role in, but this related to the Chief Health Officer's advice on 4 July about needing to lock down the nine public housing towers in Flemington and North Melbourne, and police obviously have had a significant role there.

One of the more recent operations is Operation Vestige. Right from March Victoria Police have been involved in checking people who should self-isolating at home, who are positive cases, but they are also now following up cases where ADF and DHHS have been unable to make contact with a positive case. I think they have done, all up, in those sort of self-isolating checks, about 40 000 checks.

The next slide I will just do very quickly. I am sure we will get a chance to do that. This is around compliance and enforcement. As of today, we now are at 329 000 checks that Victoria Police have done. As you can see, over 500 000 vehicles have been checked since the roadblocks. We have got somewhere around 19 800 COVID fines that have been issued, and they range from face covering, curfews, self-isolation and non-compliance of directions.

If we look at the next slide, one of the really important areas that we get information from—sorry, I got ahead of myself there—is through the police assistance line. We have had significant reports to the police assistance line, reporting potential breaches, and that is a really good source of intelligence for police.

In terms of the next slide, I am sure every member of this committee is well across the legislation that applies in emergency situations, but I thought it was worth just going through that again very quickly. Class 1 emergencies—that relates to fire, it relates to floods. Anything that the MFB, SES, CFA are involved in relates to a class 1 emergency, and that has particular powers for the Emergency Management Commissioner and particular responsibilities for me as minister. Class 3 is called really a security emergency, so warlike—so terrorism, hijacking, a siege. That sits firmly in the Victoria Police realm, and the minister for police also has particular responsibilities. A class 2 emergency is pretty much everything else, from pandemics, transport—we have got avian influenza at the moment. All of that sits in class 2 emergencies, and the control agencies for that are the primary response agencies—so for example, avian flu, it is agriculture; in a pandemic it is health—and there are different responsibilities for different ministers in relation to class 2 emergencies. And so—

The CHAIR: Sorry to interrupt you there, Minister, but the time for the presentation has expired. I will pass the call to the Deputy Chair, Mr Richard Riordan, MP.

Mr RIORDAN: Thank you, Chair. Morning, Minister. My first question this morning is to Commissioner Crisp. We assume we have got Commissioner Crisp. There he is. Commissioner, can you please outline: which COVID minister do you and EMV directly report to and/or send briefs?

Mr CRISP: For me as Emergency Management Commissioner, EMV is an organisation that supports me in relation to that particular role. So my responsibilities—as Minister Neville has pointed out, the pandemic is a health emergency and the Department of Health and Human Services is the control agency and has appointed state controllers, with the secretary having overall responsibility for that particular emergency. With regards to the state of disaster that is now in place, the Minister for Police and Emergency Services has a clear role in relation to the declaration of that state of disaster.

Mr RIORDAN: Okay, so the question being: which minister is that? So you are telling me you do not report to a minister?

Mr CRISP: My day-to-day work is actually reporting to the Minister for Police and Emergency Services, and I have met regularly with the minister throughout this particular pandemic, often on a daily basis.

Mr RIORDAN: As the Emergency Management Commissioner, do you send reports or briefs to the Premier?

Mr CRISP: No, I do not.

Mr RIORDAN: Right. Does that also include briefings from time to time to the minister and the crisis cabinet? Do you send briefs to them?

Mr CRISP: I provide input to submissions that go to the cabinet.

Mr RIORDAN: So issues that you become aware of that you believe are significant, you report them to the crisis cabinet?

Mr CRISP: Where there are submissions being developed in relation to how we are managing this overall pandemic, where it sits within my emergency management framework, so whether that is with regards to—as an example, the minister touched on Operation Benessere. Again, that was an operation that had to be stood up very, very quickly. Again, there was a submission developed around that, so I provided input to that submission in relation to the emergency management component of that submission.

Mr RIORDAN: So likewise, something as significant as organising hotel quarantine, you would have sent information to the Premier and crisis cabinet on that as well, I presume?

Mr CRISP: On that particular issue, as we are probably all well aware, it was stood up very quickly. We had 36 hours from the time of announcement for that operation to be stood up at midnight on 28 March, and again I was regularly briefing my minister as we were working through that particular operational plan.

Mr RIORDAN: Okay, so your minister heard that.

Commissioner, the ADF detailed to the Senate inquiry last Tuesday that there was a standing capacity in all states and territories known as joint operational support sections for the express purpose of facilitating defence aid to the civil community. Were you aware that Victoria was able to draw upon this ADF standing capacity?

Mr CRISP: Victoria had drawn upon ADF support from very early days with this pandemic. We learned very clearly from the experience over the bushfires, where we had significant ADF resources in support of the state—at times up to 1600 a day were working. So when this pandemic first began we were very clear in terms of wanting the ADF to come in to the State Control Centre to support us around planning and logistics, which is exactly what they did when we set up Operation Soteria.

Mr RIORDAN: So as Emergency Management Commissioner were you aware that this ADF support was available for use in hotel quarantine?

Mr CRISP: I do not recall any direct offer being made in relation to hotel quarantine, and—

Mr RIORDAN: You do not recall or you were not offered? They are two quite different things.

Mr CRISP: With the meetings on 27 and 28 March, when we were standing up Operation Soteria, there was not an offer from the ADF in relation to support for hotel quarantine and nor did I request that support.

Mr RIORDAN: Okay. So the fact that the Premier put out a press release on that day, the 27th, where it was clearly announced by the Premier that ‘It has ... been agreed that the Australian Defence Force will be engaged to support the implementation of these’—being hotel quarantine—‘arrangements’, as our emergency services commissioner you were made unaware of that offer by the Premier and the various bureaucracy of Victoria?

Mr CRISP: I was well aware and I can recall from the Prime Minister’s press conference also that ADF support would be made available. Again, I took that to be in very broad terms. Again, we were thinking at that time—

Mr RIORDAN: Sorry, just to be clarified, the Premier’s statement was very specific to—

Ms NEVILLE: Can I just interrupt there, Mr Riordan? As Andrew Crisp has already said, ADF were already in there. They were already assisting us in the operation—

Mr RIORDAN: Minister, excuse me. I am asking the questions, and you will get your chance—just don’t panic. Just back to Mr Crisp, I just want to clarify that, because, Commissioner Crisp, you said that there were no arrangements—you could not recall any. I am just trying to clarify what the Premier said. The next question: you have said, regarding ADF presence on the ground as part of a hotel quarantine program, that the ADF, just to clarify this, did not offer you any support, is that correct, for hotel quarantine?

Mr CRISP: On the 27th and 28th, when we were planning for that particular operation, there was no offer made by the ADF in relation to putting resources into the hotels for hotel quarantine.

Mr RIORDAN: Okay. So at that meeting on the 27th that we have heard other witnesses talk about—and I think you have said that there were ADF members there—why on earth would ADF members be attending a meeting that they had no intention of helping you with? What advice were you seeking from them for that?

Mr CRISP: The ADF had been working at the State Control Centre probably for about two weeks up to that point in time, and again what we learned through the fires was that incredible expertise and knowledge they bring in relation to planning and logistics, and that is why we had brought them in to the State Control Centre—to support our work around that. With the meeting on the 27th and the subsequent meetings on the 28th, they were playing a very clear role in relation to supporting our planning effort of quickly drawing up an operational plan for Operation Soteria.

Mr RIORDAN: So they were just sitting there to draw up plans, not to offer any help. So despite the fact that the Premier that day had said they were going to help, despite the fact that the army themselves—the ADF themselves—testified that they were going to help, you as emergency services commissioner were completely unaware of their ability to help in enforcing hotel quarantine?

Mr CRISP: I was very clear in my conversations with the ADF just prior to that first meeting on the 27th and again on the 28th. We had already started to draft what a plan looked like, and their role was very clearly—and again we are forever thankful and grateful to the ADF for the support they provided to us around planning for our operations. They are continuing to do that today.

Mr RIORDAN: So did you think that the ADF could play a role beyond just turning up to your meetings and offer planning advice rather than on-the-ground-boots assistance?

Mr CRISP: The ADF have provided significant support to the state over many, many months now.

Mr RIORDAN: We are well aware of that, Commissioner. I am specifically talking about their role in hotel quarantine.

Mr CRISP: Sorry, Mr Riordan, what was your specific question?

Mr RIORDAN: So my question was: did you believe that they had a role—even though you were unaware that they could help, did you believe that they could have a role in helping with hotel quarantine?

Mr CRISP: No, not at that time, on the 27th or the 28th.

Mr RIORDAN: It did not occur to you that they would be useful for that purpose, when other states were using them for that purpose?

Mr CRISP: No, not at that stage. We believed that we had the resources within the state to meet the needs of that particular program.

Mr RIORDAN: So, Commissioner, on the 27 March meeting, the ADF—I think it was Brigadier Matt Burr—met with you. You were present and the ADF, and they presented ADF support options for hotel quarantine. Was there a PowerPoint presentation used at that meeting?

Mr CRISP: On 27 March?

Mr RIORDAN: Yes, the planning meeting that the ADF were there to help you with. Did they present a PowerPoint presentation to you at that meeting?

Mr CRISP: My only recollection of a document we might have used for that meeting was actually the framework of an operational plan, not in relation to options around ADF support in terms of actual hotel quarantine.

Mr RIORDAN: Would you be able to supply that document to the committee?

Mr CRISP: I will take that on notice, Mr Riordan.

Mr RIORDAN: Okay. That would be useful. Did you discuss with your minister after that meeting the options that were available for hotel quarantine?

Mr CRISP: I briefed my minister regularly throughout that day with regard to how the plan was being developed and who was going to be taking responsibility for various parts of that plan.

Mr RIORDAN: Commissioner, if I could turn to 27 March and the decisions around hotel quarantine and the decision to use private security guards which emanated from those two meetings that you have talked about, both the Prime Minister and the Premier have made it clear the ADF support was available for hotel quarantine. And the Premier said:

I'm very grateful to the Prime Minister for him agreeing to let this be a true partnership between Victoria Police, our health officials, as well as the Australian Defence Force. I think that will work very well.

Can you confirm that the decision to use private security guards for hotel quarantine was made at that State Control Centre meeting at 4.30 on the 27th?

Mr CRISP: I understand that work had already been undertaken to plan for hotel quarantine and that there had already been engagement with private security to undertake the primary security role for hotel quarantine.

Mr RIORDAN: Right. During the course of this hearing we have had no-one really able to tell us who was specifically at the meeting. As the chair of that meeting, can you tell us who was at that meeting and who was represented? We know there were two ADF members. Who else specifically was involved in the decision-making process at that meeting?

Mr CRISP: Yes. There were a number of government departments and agencies represented. So there were representatives of from the Department of Jobs, Precincts and Regions; from Victoria Police; from, as you mentioned, the ADF; and from the Department of Health and Human Services.

Mr RIORDAN: Right, and presumably your role as chair would be then to present the findings of that meeting to the crisis cabinet?

Mr CRISP: No, no. My role, which is consistent with my legislative role, was very much about coordination. So we at that stage, as the minister pointed out—

Mr RIORDAN: Just one second. So you are saying, as chairman of the meeting that was deciding to keep the single biggest coronavirus, you were not going to report it to anyone?

The CHAIR: I am sorry to interrupt you, Deputy Chair, but your time has expired. I will pass the call to Mr Gary Maas, MP.

Mr MAAS: Thank you, Chair, and thank you, Minister, and your team for your attendance today and for your presentation as well. Minister, I would like to take you to the matter of police enforcement throughout the pandemic. And I was hoping you would be able to take the committee through what Victoria Police's primary role has been during the pandemic.

Ms NEVILLE: Well thank you, Mr Maas. Firstly, I really want to start off by thanking all our Victoria Police members, both sworn members and unsworn members. They have been working incredibly hard during this pandemic. You saw some of that in the presentation and you may just hear a bit more about it now in terms of the work that they have done. I must say that at every step of the way Victoria Police have been critical in terms of the COVID response. They have been critical in terms of being able to enforce directives of the Chief Health Officer and really in the end keep us safe and help stop the spread of this virus.

They have been there from day one, from the first day of the state of emergency, with their police operations centre operating 24 hours, seven days a week, and they continue to do that now. And I think if you remember back to the time line I had before, we were just sort of in that process where we had started to ease some of the restrictions back in May. So Victoria Police continued to play a role, particularly much more of a role in facilitating, helping business and community members get used to the new lower level restrictions.

But as soon as we started to see an increase in the spread of the virus again back in June, Victoria Police stepped up their involvement again. And if you think about the changes that happened very quickly during that period, not only were they involved in the border trial directives that we started off with on 30 June when we introduced postcode restrictions—it seems like a fair while ago now, Mr Maas, but that was a massive operation that Victoria Police had to stand up very quickly, where they were on major roads or major arterials making sure people in those 10 postcode areas were complying with those more severe stage 3 restrictions—but that then got increased a bit, and of course we then had a situation where masks became compulsory. We had Melbourne and Mitchell shire as part of the stage 3 lockdown. That was the first time Victoria Police were involved in setting up road checks. That included at the start eight road checks, and that has now become seven once Mitchell shire came out of being a part of the Melbourne metro level of restrictions. They are stopping cars every day—I think yesterday nearly 18 000 cars were stopped through that—issuing infringements where necessary for people who are doing the wrong thing and often just turning people around.

But in addition to that, on that regional check, they are on our V/Line system at Spencer Street and in our hotspot areas in those areas and communities where people try to go on day trips, like Daylesford, for example, and where people use the ferry in Geelong and in Bellarine and people use the ferry from Sorrento to Queenscliff. So they are on all those different transport modes to make sure people are not unnecessarily travelling to regional Victoria, and I think we have seen some of the dividends of that in terms of our numbers now plateauing, which is good, in regional Victoria. Also, whilst they are enforcing stage 4 in Melbourne, they are also now enforcing stage 3 in regional Victoria. So we have got substantial resources out there. They have been dynamic and they have been flexible in how they have done that.

Going on to talk about masks, for example, when they were first introduced, that was a big change for our community to move into that. In the first week they had a very discretionary approach to that. They handed out masks to people who did not have them. They talked to people about it. It was only really those very blatant, obvious breaches of that that they issued fines for—there were very few in that first week. So they have played a really important role in making sure our community understands what the restrictions are that they need to abide by.

Mr MAAS: Thank you for that very comprehensive answer, Minister. Would you be able to take us through how the police have used their powers with on-the-spot fines during this period?

Ms NEVILLE: Thank you, Mr Maas. Again, I think you probably will have heard the Chief Commissioner say many times, both when he was deputy and now as the current commissioner, that their role has been about making sure that they are fining and infringing those people who are deliberately, obviously and blatantly

breaching the Chief Health Officer's directives. They do not want to be in this position where they are issuing infringements, but that is what their role is; that is what they have been tasked to do by the Chief Health Officer. That is one of the clear things that a state of emergency enables the Chief Health Officer to do—grant powers to Victoria Police to be able to enforce those directives and to issue infringements. There are two options. One is a much higher fine that people are summonsed for and people go to court for—that is the \$19 000 fine for individuals and almost \$100 000 fine for businesses. That is what we first started off using, but once the Chief Health Officer was able we then had access to infringements of \$1652 for individuals and \$9900 for companies.

You will have seen that—I should have provided a graph—in the early stages a number of infringements were issued. They dropped down as we saw restrictions coming off, but they have gone back up again, and that really reflects the seriousness of the issues that our community faces in relation to the spread. I think I mentioned earlier that I think it is now 19 866 fines that have been issued by Victoria Police. They range from face masks, which of course is a lower level at \$200, to breaching those roadblocks, to people failing to self-isolate when they should be and failing to follow the directives. Some of those were businesses, some of them relate to mass gatherings et cetera, so there have been a range of fines. I think we would all say overwhelmingly people have done the right thing or have tried to do the right thing, and it is for those people that have not been and have deliberately been doing that that Victoria Police have been issuing those fines.

Mr MAAS: Thanks, Minister. Are you able to talk to us about Operation Sentinel too and how important it is to Victoria Police's operational response to COVID?

Ms NEVILLE: Yes. Thanks, Mr Maas. I touched on it just at the start of answering your question, and this relates to the spot checks that Victoria Police have been doing along our major regional arterials into our regional communities. This started on 8 July when we introduced the restrictions into Melbourne. We wanted to try and protect our regions from the spread of COVID. You know, I am in Geelong and we have a lot of people who travel between Geelong and Melbourne for work—and they can still do that—and a lot of healthcare workers who do the same, but we needed to try and restrict as much as we could the unnecessary travel into regional Victoria. So in the beginning there were eight sites that were established. One of those, as I said before, was closed once Mitchell Shire came back into regional Victoria, so it was unnecessary. So basically we have got sites at Princes Freeway at Little River—that is our busiest; the Geelong–Melbourne route is our busiest—Western Freeway, Bacchus Marsh; Calder Freeway, Gisborne South; Hume Freeway; Maroondah Highway; Princes Freeway and South Gippsland Highway. So we have got them right across our key ones, but we have also got police on our backstreets as well where people are trying to get through. Police have got an operational model using the booze bus particularly—that sort of model—so it is random. Although they are attempting as much as possible to get as many people pulled over, their benchmark is to aim to not have people waiting more than 15 minutes to get through. That is for traffic congestion and safety, and there are a lot of people legitimately travelling, so it ranges sometimes up to 100 per cent depending on traffic. They constantly do some audits, so some of the figures I got yesterday were around 80 per cent checked. So people are likely to get checked, but it is still a random check system. But it has absolutely made a big difference in terms of the spread into regional Victoria.

Mr MAAS: Thank you. I was wondering about the police assistance line and if that has played a role in police enforcement during this period at all.

Ms NEVILLE: Yes, well, the police assistance line, which we launched last year—which is obviously for non-urgent reporting of crime—has really grown significantly with the COVID response. It really has had the benefit of getting that number out to the community more broadly. Since we commenced using that line back in March, we have had 157 000 calls to the police assistance line—so significant numbers of calls. Just to give you a sense of that, 21 000 of those related to people worried about someone who should be self-isolating that was not. Businesses: we have had over 21 000 where people were concerned that businesses were doing the right thing—businesses that are open that should not be. Mass gatherings: there were nearly 50 000 calls from people worried that people were having gatherings and parties et cetera. And there were nearly 1000 around curfew, and that is a relatively recent one. So we are averaging at the moment around 1100 a day.

Certainly when stage 4 came in we had a peak. We see that often when they first start. These are Victorians who are doing the right thing, and they are rightly wanting to make sure other Victorians are also carrying the load of this and doing the right thing, and they are people who are concerned about the fact that others may not

be doing it. So Victoria Police have used that as a form of intelligence to help with the tasking of their police, their Operation Sentinel, where people should go and check, where they should go and see if people are breaching those rules.

Also I remember back over the Easter period, back in April, we were really concerned about the numbers of people that were out there, so on the police assistance line people would ring in and say, you know, 'At this beach we've got a lot of people in this area'. We were also not just able to use our police officers but also able to use our drones et cetera to be able to really make sure—you know, check the intelligence, check the information—that we were getting the best out of each of our police officers in how they were responding. But I think one of the things most community members, certainly in my experience—

The CHAIR: Sorry to cut you off there, Minister, but the member's time has expired, and I will pass the call to Mr Sam Hibbins, MP.

Mr HIBBINS: Thank you, Chair. And thank you, Minister and your team, for appearing before the inquiry today. I would like to start off by asking the emergency services commissioner about his role in the public housing lockdown and just ask: what was your role in managing that lockdown?

Mr CRISP: With the lockdown of the public housing towers, it was part of the overall pandemic, so the emergency itself where the Department of Health and Human Services is the control agency. So with that particular Operation Benessere my role was one of my legislative roles around coordination. When we received advice on the morning that based on public health advice there would be a need to lock down a number of public housing towers in North Melbourne and Flemington, I spoke with the state controller about what we might do on that particular day and what agencies and organisations we would need to bring together in a meeting, which did occur. I had a conversation with the Chief Commissioner of Police with regard to the significant role that Victoria Police would be required to play in that operation, and again some further conversation about who would be a well-qualified, experienced person that could lead that operation. But when I say 'lead the operation', that is as a deputy state controller to the state controller, health. So we did identify a person to take on the role, and that person, a commander from Victoria Police, did subsequently take on the role of deputy state controller for Operation Benessere. So for me it was very much about coordination, ensuring that we actually had a plan in place, and then to continue, the state controller and the deputy state controller.

Mr HIBBINS: Thank you. Did your role change at all during the course of the hard lockdown? Were you called on to take on an additional role or additional oversight of that hard lockdown during—

Mr CRISP: Sorry, Mr Hibbins. You were breaking up a bit then.

Mr HIBBINS: Did the role of you or your team change over the course of the hard lockdown?

Mr CRISP: Not in terms of the framework I have just explained. Given that it was such a significant event as part of this overall pandemic, I did spend quite a bit of time out at Flemington and North Melbourne to do what I could to support the operation to make sure that it was structured the way it should have been and to ensure, as part of my other legislative role, that there was effective control. And I do not mind saying there was almost a personal element to this. I knew a number of people in those communities. Friends of mine were actually locked down in some of those towers—not that that took away from what I was doing operationally. But I was very conscious of the need to ensure that we did this well, because it was tough—it was really tough—on those residents.

Mr HIBBINS: Yes, that is right. I guess what point I am trying to get to is for the first two days we have heard evidence that it was quite chaotic and confusing in terms of what was actually occurring on the ground and getting assistance to residents in need. Were you called in to address that issue—the fact that it was quite chaotic and confusing?

Mr CRISP: Yes, Mr Hibbins, and certainly it was a very challenging, stressful time in early days for that particular operation. It was basically set up over 7 or 8 hours, and I wanted to do all I could to support the state controller and the deputy state controller and to coordinate it as best I could to ensure that all those residents were supported as well as they could be, whether that was in relation to their food needs or health needs or how we could work with other agencies to bring them in to support, which did occur with Fire Rescue Victoria coming into play a critical role in relation to delivering food into those towers. With this one, I was very much

more hands-on but being very conscious of my role to support the state controller and the deputy state controller.

Mr HIBBINS: Thank you. Was there a pre-existing pandemic plan in place for the public housing towers?

Mr CRISP: Not a specific pandemic plan for public housing.

Mr HIBBINS: Okay. Thank you. Were you aware of any DHHS consultation with public housing residents that took place prior to the lockdown being put in place?

Mr CRISP: No. In my understanding there was no contact prior to the lockdown itself because that was part of the intent of the overall operation, as tough as it was. But it was about ensuring that those people in those public housing towers stayed in those public towers because the public health risk was about the potential for people to move away from those towers.

Mr HIBBINS: Sorry. What I meant is a consultation plan in general and relating to just generally dealing with the pandemic.

Mr CRISP: I am not aware of what DHHS had in place prior to 4 July when this operation commenced with regard to its engagement with residents in public housing.

Mr HIBBINS: What we have heard as evidence, one of issues with the lockdown, is that community groups and the community were not brought in early enough, were not brought in from the get go to assist or were not consulted with once the lockdown was put in place. Do you think DHHS needs to get better at community consultation?

Mr CRISP: We have all learned through this particular operation, and I think it is a credit to DHHS that even now they continue to have community meetings with residents and key stakeholders involved in what occurred at North Melbourne and Flemington. And I think what we will see, and what the focus of DHHS is, is actually sort of an enduring piece of work for us about how better can we engage with residents. What more can we do to keep them safe in these particular settings? That work is ongoing. I have participated in a number of those community meetings, and there is ongoing consultation with the community about how best it will work to support the community for them to actually lead that work.

You are right. Another positive that did come out of this after a couple of days was when I was actually at North Melbourne with the Department of Health and Human Services in an incident management team, which they were responsible for. What I saw, which was a real positive and what we do not normally see in emergencies—they actually brought some community members into the incident management team, so there was a community voice sitting at the table with all the uniforms as they were actually undertaking their planning. So, again, that is a real takeaway for us. We often talk about the community being at the centre of what we do around emergencies, and this is where it was demonstrated after a few days.

Mr HIBBINS: All right. Thank you. And just finally on this: you have identified who was in command of the operation. Do you think those lines of communication or the lines of command were clear from the get-go?

Mr CRISP: I believe they were very clearly in terms of: when we set up this particular operation we quickly came up with an organisational chart, which indicated state controller with the deputy state controller and then a number of functional leads, mainly from across DHHS, but how we would manage it as an incident at North Melbourne and then an incident at Flemington. So it was very clear about who was in charge.

Mr HIBBINS: Okay. All right. Thank you.

Mr CRISP: Thanks, Mr Hibbins.

Mr HIBBINS: I ask the minister now: in your role as minister coordinating environment, land, water and planning we had some discussions in the previous hearing about why several environmental decisions have been delayed and then some other decisions that were not so great for the environment have actually gone ahead. We have now got a decision to not extend the EES process for the AGL gas import terminal. Again, can you help me understand why these decisions that would actually assist the environment or help protect the environment are not being made, yet decisions such as not extending the EES process, opening up Victoria to

onshore gas drilling, extending native logging for another 10 years—decisions that are actually hurting the environment—are actually being made?

Ms NEVILLE: Thank you, Mr Hibbins, for that. I think they are very different issues, and there are different reasons for what would impede something proceeding. So, for example, the climate change emission targets—we are in a very different world right now in terms of emissions and where we may end up, so being in a position to set proper targets that would reflect the reality of what our emissions are and what our agencies are doing et cetera is much more difficult. There has been a very long process with the Crib Point gas decision. It is not something that has happened overnight. It has been a long process, and I understand from the minister responsible, Richard Wynne, that he in fact did extend public exhibition periods. He made changes to how people could submit, how people could be part of the decision, so he had made changes in relation to this particular decision.

I think it was 2018 that the decision was made to require an EES, so it has been long going. It is not a short-term decision. There has been extensive consultation, extensive ability for people to put in for it. In fact I think something like over 400 EES information packs went out, 52 hard copies and it has logged almost 3000 unique visitors to the EES website. So all of those things that could be done from home, from people's workplaces could be done. They did not need to be done in person. It was a longer period of exhibition. There will be public hearings, as I understand. There is now a process with the advisory committee which is being chaired by Planning Panels Victoria. So the minister I think has been able to assure people that there have been proper processes and time provided for people to input. We are still not at the end of that process, and people will have an opportunity to be able to continue to input into any final decision.

Mr HIBBINS: Thank you, Minister. I also want to ask about—

The CHAIR: Thank you, and I am sorry to cut you off there but the clock has just sounded. The member's time has expired, and I will pass the call to Mr Danny O'Brien, MP.

Mr D O'BRIEN: Commissioner Crisp, can I just continue on the line of questioning Mr Riordan was asking at the time his time expired. You said you did not brief the Crisis Council of Cabinet after the 27 March meeting. Is that correct?

Ms NEVILLE: Mr O'Brien, the cabinet did not exist then. The cabinet crisis committee did not exist on 27 March. It did not exist until 3 April.

Mr D O'BRIEN: Okay.

Ms NEVILLE: And I am sure the Attorney-General and others have mentioned that to the committee before.

Mr D O'BRIEN: Did you brief the cabinet at all out of that meeting, Commissioner? We cannot hear you.

The CHAIR: Commissioner, we cannot hear you again.

Mr CRISP: I briefed my minister, Mr O'Brien.

Mr D O'BRIEN: So who did brief cabinet out of that meeting?

Mr CRISP: I briefed my minister regularly throughout that day as to what was being planned.

Mr D O'BRIEN: You said before those present were DJPR, VicPol, ADF, DHHS. Was DPC or anyone from the Premier's office at that meeting?

Mr CRISP: There was a representative from DPC.

Mr D O'BRIEN: Okay, so would DPC have taken ultimate responsibility for this to go back to cabinet?

Mr CRISP: We have a health emergency, so our control arrangements are that DHHS are the control agencies.

Mr D O'BRIEN: Okay. Ultimately though, Commissioner, there would have been procurement decisions on hotels, on security guards. These must have required funding approval from ministers and cabinet. How did that occur?

Mr CRISP: I am not aware of what took place in relation to any funding requests for this particular operation.

Mr D O'BRIEN: Okay. You said before that the decision was effectively an extension of previous arrangements with respect to hotel quarantine. That actually contradicts the evidence given by the secretary of DJPR last week, who said that the 4.30 meeting on the 27th was a critical meeting, where they were given the job of going out and procuring security guards and hotels. Isn't there a contradiction there?

Mr CRISP: Sorry, what was your question, Mr O'Brien?

Mr D O'BRIEN: Isn't there a contradiction? You are saying that the 27 March meeting was not where the decision was made about private security guards, but Mr Phemister from DJPR last week said that was the meeting that they were asked to go out and procure security guards. Who is right?

Mr CRISP: My clear understanding from what was happening on the 27th was that DJPR had already engaged private security.

Mr D O'BRIEN: Was it considered at any stage whether Victoria Police should be involved in the hotel quarantine arrangements?

Mr CRISP: That was not part of the discussion on the 27th or 28th.

Mr D O'BRIEN: You are a former long-serving senior police officer. There were VicPol people present. Surely the context of this was, 'We're establishing hotel quarantine because people coming back from overseas have not been quarantining'. We have had evidence of that, and I think the Premier said that. That was why we were going to hotel quarantine. Surely you, VicPol, someone else in that meeting thought, 'Maybe we need a bit of oomph and security in this, not just some private security guards'?

Mr CRISP: Look, there was a clear discussion about the role of Victoria Police as part of this overall operation, and Victoria Police played a critical role, whether that was with international travellers returning from overseas—so at the airport itself—also playing a role at reception when they arrived at hotels, and then providing a significant role when it came to supporting private security when required to attend at the hotels. So Victoria Police had a very clear and a prominent role in relation to security for this operation.

Mr D O'BRIEN: But in terms of the hotels, you say they had a prominent role in responding to calls from security. Well, they have a prominent role when I ring 000 as well. Didn't the VicPol representatives at that meeting say, 'We actually should have a role in this program'?

Mr CRISP: No, that was not the position of Victoria Police at that particular meeting. We were working clearly to the point that the private security was going to be the primary security organisation in the hotels themselves, but supported by Victoria Police, but also part of an overall structure in those hotels. So with DHHS as the control agency, clearly with this particular emergency and having the lead at state level, but also if you talk about hotels being an incident clearly having the lead at the hotel itself. And then with the use of authorised officers, also being in the hotels to support the overall operation. There were a number of participants in relation to how this was to be managed.

Mr D O'BRIEN: So was the decision not to use either the ADF or VicPol influenced or made by any ministers or ministerial staff around the time of those meetings?

Mr CRISP: At the meeting on the 27th it was clear that private security had been engaged. It was clear what Victoria's position was and the support they would provide to this particular operation.

Mr D O'BRIEN: Would you accept that, in light of what happened with the hotel quarantine, that was now a mistake—not to have either the police or ADF directly oversighting private security?

Mr CRISP: Look, I think that is why we have got an inquiry that has been called at the moment to look into all those matters, and I look forward to fully cooperating with that particular inquiry.

Mr D O'BRIEN: To that effect, we have been told that there was an operational plan—I think you might have mentioned it yourself a little bit earlier—for the hotel quarantine program. Can that plan be provided to the committee, including any organisational chart that shows the lines of reporting?

Mr CRISP: All those documents have already been provided to the Board of Inquiry.

Mr D O'BRIEN: Can I ask that they be provided to the committee as well?

Mr CRISP: They will be made available, I would imagine, once the Board of Inquiry considers those documents.

Mr D O'BRIEN: There is no reason why they cannot be provided to us, Commissioner. I am just asking if they can be provided to this committee as well.

Mr CRISP: Which specific documents, Mr O'Brien?

Mr D O'BRIEN: The operational plan, including any organisational chart that might have gone with it [Zoom dropout] from that 27 March meeting, and indeed also the minutes of that meeting if they are available, please.

Mr CRISP: As I said, all that material has been provided to the Board of Inquiry and it will be made available.

Mr D O'BRIEN: Commissioner, the Premier has asked this committee to undertake this inquiry too. I am asking you to provide that information directly to this committee too so that we do not have to wait until the Board of Inquiry makes those public.

Mr CRISP: I am not sure when that material will be made available by the Board of Inquiry.

Mr D O'BRIEN: I am asking you to provide it to us, Commissioner.

Mr CRISP: I will take that on notice, Mr O'Brien.

Mr D O'BRIEN: Okay; thank you. Can you confirm that there is a recording of the State Control Centre meeting on 27 March—indeed all of those meetings?

Mr CRISP: Sorry, when you say 'all of those meetings', what are you referring to?

Mr D O'BRIEN: All the meetings at the State Control Centre throughout this crisis; I understand they are all recorded.

Mr CRISP: That is not the case with all meetings at the State Control Centre.

Mr D O'BRIEN: Okay. The 27 March and 28 March meetings—would they have been recorded?

Mr CRISP: They were recorded.

Mr D O'BRIEN: And have those transcripts or recordings been provided to the Coate inquiry?

Mr CRISP: They have.

Mr D O'BRIEN: Okay. The decision to use private hotel security guards—were you aware at the 27 March meeting why that decision had been previously made?

Mr CRISP: No, I was not.

Mr D O'BRIEN: So how did it come up at that meeting then? We have been told that the decision was made at that meeting. You are telling us in a different way that it was actually already made prior. Surely someone said, 'Who is going to look after this?'.

Mr CRISP: In that meeting a representative from DJPR spoke about having already done the work in terms of the end-to-end process, including private security and what had been put in place for this particular operation.

Mr D O'BRIEN: That is not what they said at the previous hearings here, Commissioner, but anyway, can I just ask: your statement that you released on 12 August regarding support from the ADF—did anyone from the government, either ministers, staff, Premier, Premier's office ask you to put out that statement or assist you with it?

Mr CRISP: No-one from the Premier's office asked me to do that.

Mr D O'BRIEN: What about from the ministers or ministers' offices?

Mr CRISP: Not from the ministers' offices either.

Mr D O'BRIEN: Were you asked to seek approval of the statement before you issued it?

Mr CRISP: I had a conversation with the Secretary of the Department of Justice and Community Safety in relation to that particular statement.

Mr D O'BRIEN: Sorry, which department?

Mr CRISP: Justice and Community Safety.

Mr D O'BRIEN: Why did you have the conversation about that?

Mr CRISP: There was discussion about a number of media inquiries resulting from the statement that had been made by the defence minister, and it was thought it was important to clarify the facts in relation to what happened at those meetings on the 27th and the 28th.

Mr D O'BRIEN: Did the Secretary ask you to put a particular position?

Mr CRISP: The Secretary and I discussed putting out a statement to clarify the facts, and that is what I did.

Mr D O'BRIEN: And did the Secretary say that she had been asked to do that on the basis of a request from the Attorney-General?

Mr CRISP: I am not aware of who the Secretary would have had a conversation with.

Mr D O'BRIEN: Okay. Just moving on a little, it has been presented to this committee that DJPR the day after the hotel quarantine program was established sent a request to the State Control Centre and DHHS that police should be involved. Did that request or suggestion ever reach you, and if so, what did you do with it?

Mr CRISP: I am aware that an email was sent. I believe I was copied into that particular email. I knew there was ongoing discussion between, I guess, all those people who played a role in that operation about what the role would be for Victoria Police in terms of supporting private security—so that response element—and I know that was worked on for a few days after the operation was first established to a point then where it no longer was an issue raised at either the op's interior inter-management team meetings or the state control team.

Mr D O'BRIEN: What do you mean, 'it was worked up to a point'? Was the point that security guards would be advised to call 000 if there was a breach of security?

Mr CRISP: Just for some clarity around when that would occur. And it was not just a response to a 000 call. My understanding was that the police operations running at that time said also they knew where these hotels were, so there would be a greater visible police presence in those particular areas. But that was the work that was done over the first week. As you would appreciate, that operation was established over a very short period of time.

Mr D O'BRIEN: Did anyone—

The CHAIR: Sorry to interrupt you there, Mr O'Brien, but your time for questions has expired. I will pass the call to Ms Pauline Richards, MP.

Ms RICHARDS: Thank you, Minister. Maybe with the Chair's indulgence I would ask Chief Commissioner Patton and Commissioner Crisp to pass on to their members how greatly appreciative we are of the extraordinary service this year, this whole year and then especially recently.

Mr CRISP: Thank you.

Chief Comm. PATTON: Thank you.

Ms RICHARDS: I will continue on the theme of policing. I am interested in having some understanding about the changes Victoria Police has made in how it does provide community safety and policing services during this extraordinary time.

Ms NEVILLE: Thank you, Ms Richards, for that question. I have touched a little bit on some of these, but I think the starting point is that—and I have heard the Chief Commissioner say this a few times, so I am going to steal this from him a little bit—this is probably the biggest community safety issue that is there for policing, for all of us. Their role in this has been critical. How they have been flexible and dynamic about this has been critical to responding, but it is also seeing changes in crime patterns in our community. It has meant Victoria Police has been able to shift a little bit about how they have worked, so they have been able to focus attention on really enforcing health directives.

Again, although these provisions are provided for in the *Public Health and Wellbeing Act* and are provided to the Chief Health Officer, I am not sure we really predicted being in this situation for such a long period and police having to enforce wearing masks and health issues, how many people, social distancing, all those issues, and I think Victoria Police members—the ones I have spoken to out and about—have embraced that. It has been a very different way of policing. It is a very community-based area, and because most people do the right thing a lot of it is about community engagement and community education, but of course that does not underplay the significant role Victoria Police members play in enforcing—and they do need to; they are required to enforce—the directives, particularly those who are absolutely out to breach them and are deliberately doing so. So again, like you, I thank them for doing that.

One of the changes I talk about particularly is being involved in specific—they have had their own operation around Sentinel. There are 750 members out. They have had their own operation with Operation Ribbon, and maybe we will get a chance to talk about that, but they have also been involved in other things. For example, Operation Sanus, which is where they have worked with DHHS, who is the control agency, as we have talked about, and that was about the restricted suburbs, the postcodes, so all of that. They have been involved in Benessere, as we talked about and Andrew had a chance to discuss in a bit more detail.

Right from day one Victoria Police not only were they doing enforcement there but also working with local communities and were part of those community meetings that happened every night. So it has been an interesting challenge and balance between that community engagement and enforcement, which I suppose police are used to, but in a very different environment in which we are talking about health issues, less so around criminal issues and that form of community safety.

There are many changes they have made. There is the PSO change they have made as well. That has been a really significant part of the work that they have been doing through this pandemic, and a real focus on commercial areas that has also seen real benefits.

Ms RICHARDS: I am actually interested in having a bit of a greater understanding into the role that PSOs have played during this pandemic and interested in how they will be used after the pandemic. It is good to talk about what is happening next as well.

Ms NEVILLE: We already had flagged and actually in front of Parliament announced some legislation about PSOs and playing a broader role in our community beyond the transport system, and I think this has been an ability to show the community and to also test what role they could play beyond just being on the transport system, which of course is a very critical role that they play and they still continue to do that. But we did see a significant decline in transport use and numbers. And particularly now with the curfew being at 8 and less

transport services, we have been able to keep our PSOs on our premium stations but free up the rest. So we have freed them up to do a couple of things. One is to have these mobile teams that are still on our transport system—still out there engaging with our transport users, keeping our train stations safe and playing a really important role actually in enforcing [Zoom dropout] So, ‘Where are you going?’. Are people working? Are they legitimately out and about on the transport system? So they have played that role as well for the broader community’s safety at those train stations.

But we have also been able to free up about 20 teams that are now out helping at various community locations. I know we have got some in Geelong here. We have got Chapel Street, really the CBD of Melbourne, which of course is very quiet at the moment, so keeping a presence in areas where we do not have a lot of people at the moment but we have got a lot of businesses there. So it is an ability for PSOs to have a presence to prevent any issues that might arise in relation to commercial burglaries and other community safety issues as well. So the PSOs have been involved in making arrests for theft, retail burglary and drug possession. They have done searches in relation to drugs of dependence. They have done all this work at shopping centres. They have been doing vehicle checks as well. So they have been right across our system and really critical. And I know the PSOs themselves have enjoyed that opportunity and that engagement with the community. And as I indicated, we do have some legislation that would enable this to happen where necessary in the future, where the Chief Commissioner can designate areas where you might want to use a PSO to give that reassurance and presence. And I think this has shown that the community is supportive of that. And I think it has also shown the value of our PSOs beyond our transport system.

Ms RICHARDS: Thanks, Minister. And I know speaking to police locally in Cranbourne they have been really proud of the work they are doing in responding to family violence, so I am interested in having a clearer understanding of Operation Ribbon and how that is responding to the potential for an increased risk of family violence during this pandemic and also what that has shown—what the evidence is.

Ms NEVILLE: Yes. Look, this is a really important operation that we launched I think back in April of this year. We know family violence is our biggest law and order issue, broadly. We were very concerned that we were not seeing what we had predicted: that as people spent more time at home there would be an increase in the reporting. And I think that what that was a result of was it was much more difficult to make the phone call, to reach out to police when you needed assistance because you were in very close quarters. So it is absolutely the case under this operation that there has been no question that family violence continues to be our number one law and order issue; it is just been a bit more hidden during this COVID period.

So this operation was about how Victoria Police—its family violence investigation units, 31 of those—have been reaching out to known victims, at-risk families and also known perpetrators to check on whereabouts, check on behaviour and check on the wellbeing and welfare of victims and families. They have also worked obviously with partner services, so other family violence services that might have concerns about particular families and individuals, particular women and children. So they have been able to go through that process.

And just to give you a sense of it, over 18 000 compliance checks have been done—that is a significant number of checks—nearly 13 000 affected family members, 5300 perpetrators. And I think the figures that I am about to give you are really show how important this is. We have had 629 people charged and remanded for family violence. That is at the most serious end. Again, that is a significant number of people and therefore also a significant number of people that have also been protected as a result of that. We had 282 people bailed and we have had another 245 people charged on summons.

Those figures are concerning about the extent of family violence, but they are also encouraging in terms of this operation—and it is since the police have been out there. What we have seen is as they have been using this operation, as they have been doing it, they have been refining how they have been able to reach out to people. Initially, in the early stages, a lot of it was in person and a bit by phone. We are now using much more phone and email and providing new ways for victims to be able to report and get onto police—so trying to really encourage and promote safe ways for women and children and other victims of family violence to be able to report that.

I would say that: again, I just remind anyone who is a victim of family violence or is concerned about their safety that they can leave under the COVID restrictions. You can leave and do so correctly under the law, and I encourage you to do that if you are in that position. But know that Victoria Police have the officers, the support

and the understanding and are there and are also proactively reaching out, and I think it is making a significant difference.

Ms RICHARDS: No wonder they are so proud of that. It is really important work. I am interested in understanding perhaps how Victoria Police is working with other agencies, including the ADF, to make sure that Victorians who are required to be self-isolating.

Ms NEVILLE: If you remember right back, on 16 March there was a national announcement about the fact that anyone returning from overseas needed to self-isolate at home at that stage before the hotel quarantine program came in. Victoria Police, really from the first time, with any positive case—whether it was someone travelling from overseas or a positive case generally in our own community and people self-isolating at home—have been part of a system of doing checks on people who are supposed to be home. They do that through visits. They do it through phone calls. They have a geo-technology capacity to work out that somebody is where they say they are, that they are—

The CHAIR: I am sorry to interrupt you there, Minister, but the member's time has expired. I will pass the call to Mr David Limbrick, MLC.

Mr LIMBRICK: Thank you, Chair, and thank you, everyone, for appearing today before this committee. Minister, I would like to start with a simple question relating to the disaster powers around curfew: can you explain how a curfew might help stop the spread of coronavirus?

Ms NEVILLE: Well, I suppose I take my advice and Victoria Police enforce the advice of the Chief Health Officer, and the whole range of stage 4 directives were focused on how we stop the spread of people, because it is the spread of people, the movement of people, the interaction of people, that causes issues about the spread of the virus. And that is what we did: we followed that advice. Victoria Police are enforcing that from 8.00 pm each night.

Mr LIMBRICK: But do you question the evidence of that advice that is given to you by the CHO, because—I do not know—if someone asked me to sign a curfew declaration I would want very, very good evidence that this is going to be an effective control. I would want to understand how it is going to work. I mean, it is my understanding that some countries have done analysis on curfews. I think Saudi Arabia did a curfew, and they discovered that it was not effective and it actually caused crowding when people went to shops and stuff to try and get there before curfew. I mean, was any evidence provided to you before agreeing to sign off on the curfew?

Ms NEVILLE: Firstly, I did not sign off on the curfew. The Chief Health Officer signed off on the curfew. What I was able to do was ensure, to put beyond doubt, through the state of disaster powers that it could be enforced by Victoria Police. This is one component of a set of restrictions that have been put in place. So, for example, when you say 'crowding at shops' we also have limits on how many people can go into a shop at any one time. So we are managing this as a whole spectrum. It is not one restriction in isolation. So it was not for me to provide my own health advice. I am not a health expert. What I was provided with were directives from the Chief Health Officer for a curfew. And then in order to ensure Victoria Police were able to enforce that curfew, which is what my interest was—that they could enforce it—I then used those state of disaster powers.

Mr LIMBRICK: There was a story on the radio this morning about a man who was putting the bins out at the front of his house last night. He was doing it at 9.30 in the evening, but behind curfew. He described the situation where he was putting the bins out and he stopped out the front of his house on the nature strip and was doing a text message. The police came up behind him and asked him all sorts of questions. They came onto his property; he objected to that. Apparently the police told him that he did not have any rights at the moment because of the emergency declaration. I cannot vouch for the veracity of these story, but this is what someone said on radio this morning. Is this how you would expect this would be managed? Should he have gotten a fine? Technically he was breaching the curfew, wasn't he? He was on the nature strip outside his property.

Ms NEVILLE: Well, my experience so far is that—look, I would want to check the veracity, and I am not sure if the Chief Commissioner was on the radio this morning. I understand we have had a number of these sorts of claims. Most of the time they turn out not to be correct, Mr Limbrick. It is people with a particular view about the COVID restrictions, so the whole 'It's my view'. Overwhelmingly police use discretion. They are sensible; they use common sense. Someone putting the bin out—they might put the bins out, they might need to

take their dog on the footpath to go to the toilet before they go to bed if they are in an apartment. Look, I would back the police in. I do not know if the Chief Commissioner has anything to add to that, if he has been able to investigate, but we have had a number of these complaints and in most cases they are incorrect.

Chief Comm. PATTON: I can add to that, Mr Limbrick. I had some inquiries made when I heard about that, and the reality is there was a stolen car dumped near the end of the street. The police were looking for someone who was a suspect, a male. There was only a broad descriptor, if you like. They did see a person out in the street near some bins that at that stage had no mask on and was talking on a mobile phone. They had a brief conversation with him and established that he was not involved in the matter, and that was the completion of it. He then returned into his property. It was as simple as that.

Mr LIMBRICK: Okay. Thank you, Chief Commissioner. I have got a couple of questions I would like to direct to the Chief Commissioner. Earlier this morning I was asking the Attorney-General about fines. There have been a very significant number of fines issued, but none of them have been challenged in court yet. Does this strike you as unusual?

Chief Comm. PATTON: When you say, ‘None have been challenged in court yet’, there are a number of fines which people have elected to go to court on, because when you are given an infringement we have a range of different processes and checks and balances in place. I am glad you asked about the fines, because I do want to say—and I have constantly said this—we will only be issuing fines where we have deliberate, obvious and blatant breaches of the Chief Health Officer directions. We use them to restrict movement to stop the spread of the virus. Bearing that in mind, our members have issued thousands and thousands of warnings. When we take the step to issue an infringement to someone, we have in place a number of processes. Firstly, I put in place here when I was the deputy commissioner—and it is continuing on currently with our deputy commissioner here—that they are checking on a daily basis to see whether it passes the commonsense test in the first instance and whether or not there is a need for us to step in at a very early stage, because we will not always get it right.

But having said that, when someone does receive an infringement and it gets past that, there are obviously checks and balances that are in place under the *Infringements Act*. They are entitled to either pay it, ask for a review or elect to go to court. There are whole processes in place through Fines Victoria. And we have police officers whose specific role is to review fines when people put forward a case that they are a vulnerable person or there may have been a range of different matters they have exceptional circumstances for. So we have had a number of requests for review and 528 requests to have the matter determined in court. The fact of the matter is that because of the—I will not call it a backlog—COVID environment we are in, the courts are not in a position to hear that. They will obviously receive summonses and have that opportunity to have them heard in court in due course.

Mr LIMBRICK: Thank you, Chief Commissioner. Another question I would like to follow up on from the previous public hearings that we had is around drone usage. At the last set of hearings I was asking about drones and how they are being used. I believe that that usage has continued. One of the questions was around: the drones at that time were not identifiable as police drones. It was indicated that there were plans to somehow mark them so that they were identifiable as police drones. I would be interested in what sort of progress has been made on that. Also how are drones actually being used at the moment for the purposes of managing pandemic social distancing, surveillance and this type of thing? And what sort of safeguards are in place around, you know, what is done with the footage after this; if it records footage, what is done with that footage, where is it stored, who controls it—that sort of thing? Would you mind elaborating on that, please?

Chief Comm. PATTON: So there are three questions there, I think, if I take that from you. The first one: I was not aware of any discussions in respect to the marking up of drones. There will be occasions when it would not be appropriate to have them marked if they were being used in a covert investigative sense. But nonetheless we, to my knowledge, have not yet done so in terms of marking our drones up as being Victoria Police. But they are required to be operated by an approved operator who has a licence, and when they operate those they can only operate within a very small distance, if you like, and it has to be line of sight. In doing so that person will be a police officer and readily identifiable.

The next aspect: what are they being used for? We used them over the Easter weekend so that we could, if you like, check those beaches, check populous places—all of those public spaces—to make sure that people were complying with the Chief Health Officer directions so that we did not have mass gatherings of people where we

were having the risk of spread of the COVID-19 virus. So that is the key role we have been using them for. Additionally though, we have also used them at some of the vehicle checkpoints so that we can take an overview of the vehicle checkpoints and determine whether or not there is a better way we could be getting through traffic flow or whether there are some issues in that regard. So it is being used to assist at those vehicle checkpoints in ‘What’s our strategic set-up? What’s the best position for all those cars?’ and to also see, you know, whether we have got it right, whether we might have—I will not use the word ‘escape’ routes—areas where people might be diverting off, so just to really target and harden our vehicle checkpoints so that we are as effective as we can be.

In regard to what I think is your last aspect there that you raised, about any data that comes from that, they are obviously all required to be treated as law enforcement data in accordance with all of the information privacy principles, like we do with any law enforcement data that we seize.

Mr LIMBRICK: Thank you for that. That does clarify a number of those questions. With, say, the footage from the beaches that was collected by drones back at Easter, is that footage still stored somewhere and treated as evidence?

Chief Comm. PATTON: Well, there are probably two aspects to that. Firstly, the footage may well have just been live streamed to our state police operation centre so it may not have been actually captured and recorded, so it may not exist. But if it did exist and it was stored, then it would be required to be compliant with all of the information privacy principles that we are required to adhere to and which are regularly submitted for inspections.

Mr LIMBRICK: And would that be held indefinitely?

Chief Comm. PATTON: No. Whatever the information management principles are, and I do not have those off the top of my head, there are time lines as to when destruction is required. It would be only in circumstances if it was of an evidential basis that it would be required to be kept. We are not into storing masses of data for no reason.

Mr LIMBRICK: All right. Thank you.

The CHAIR: Thank you, Mr Limbrick. I will pass the call to Ms Ingrid Stitt, MLC.

Ms STITT: Thank you, Chair. Good afternoon, everybody. Minister, obviously one of the key issues in controlling the pandemic has been ensuring that Victorians are self-isolating if they test positive. I think you did not quite get the opportunity to explain the role that Victoria Police has been playing and working with other agencies to ensure that Victorians are self-isolating. Are you able to take us through some of the details?

Ms NEVILLE: Thanks, Ms Stitt, for that question. I had not quite [Zoom dropout], I think, talking about the fact that really from 16 March, Victoria Police have been involved in doing checks on people who are required to self-isolate because they have positive test results. The first bit of that was a mix of people who were returning from overseas and also just local positive cases. I think from the start of that to now they have done around about 30 000 checks. That has been a mix of doorknocking, phone calls, using the geotech—so what people have to do is push something on their mobile and it shows VicPol if they are currently where the address is supposed to be. Sometimes it will be other intelligence like through the police assistance line, for example. That will also initiate some checks as well.

Since 22 July there has been a new operation underway which you probably will have heard of, with the ADF and DHHS authorised officers. If somebody has not answered that phone call—I think it is two phone calls in the first 24 hours where they are trying to get to a positive person and understand their close contacts—they will then get doorknocked by ADF and DHHS. If after two doorknocks there is not a response, then that data is then also transferred to Victoria Police who then check on those people. Sometimes it is legitimate, in fact sometimes between getting a positive result and ADF turning up at the door somebody has gone to hospital because they are unwell. We have had people who have been picked up for other crimes, for example, in between, so the thing is people’s circumstances do change. Sometimes people have given incorrect addresses—some very on purpose, but incorrect addresses have been taken when they have gone for a test. VicPol do all of those check-ins from where they should be to where they should not be, are they there, and they have been doing that. Since 27 July there have been around about 14 000 of those particular checks. They get a set of data

from DHHS each day that indicates which people have not answered the door after two doorknocks and then they task that data out to their members to go and check on those individuals.

Ms STITT: Thank you, Minister. Are you able to give the committee an explanation of Operation Benessere, and how important that operation was in terms of controlling and slowing the spread of the coronavirus?

Ms NEVILLE: Yes. Look, this was an incredibly difficult situation for residents and for everyone who was involved in that. You would have heard from [Zoom dropout] they played a really big role in improving what was going on in those really early hours, because it was an operation that no-one had done before and it had such a big impact on, I think it was two and a half thousand residents that were involved in the nine towers. We were provided with advice from the Chief Health Officer and the public health team that there was a significant spread in those towers and a significant risk of that spreading very quickly in those towers. Given the nature of the towers around a lot of the spaces from lifts to laundries and often very cramped conditions for many families, we needed to do that, and we had a risk of it spreading more broadly in the community. On that day that that happened DHHS added the two postcodes of Flemington and North Melbourne to the lockdown suburb postcodes, so we all [Zoom dropout] that community down there. So a decision was taken by the Chief Health Officer and then later in the day a recommendation made to CCC, and the decision was taken that those towers needed to be locked down, and they needed to be locked down from the time that they were announced.

So therefore Victoria Police had a really important role to play in that. Again it was something that they had never done before, and I am sure most would say, 'Let's hope we don't have to do that again', but at the same time Victoria Police have always been open to whatever they are required to do during this pandemic. Over that time we had somewhere around 4200 police shifts and 96 PSO shifts at work during that period. Victoria Police was there; their priority communities division was involved right from the start. They are a team that works closely with the communities of the towers as well as the local community groups. They attended the community meeting every night.

I would also say we were able in the first 24 hours to get 3000 lots of food out to people and 500 other essential packages. We also then worked very closely with other emergency services to get them on the ground and really to treat that area as you would in a bushfire [Zoom dropout] management team there. It had the SES, it had Fire Rescue Victoria, it had CFA people there and it had Life Saving Victoria there. Victoria Police of course were there. Really after about 36 hours we had fire rescue firefighters out delivering food through the towers and we had police out with all the testing teams. It was a massive effort with the significant testing that was done that meant we were able to open eight of the towers as we committed to in the time we did and only have one remaining that still had significant issues in relation to infection.

By the end I think we had somewhere around 175 positive cases in those towers. It did in my view play a really important role in stopping the spread. Again you end up with a difficult situation—very, very difficult for those residents—but I think on the health advice and then at the end the testing results it was an important step in stopping the spread through that community in a much more significant way.

Ms STITT: Thank you, Minister. Now, when we had the 10 postcode lockdowns, the priority postcodes that were subject to that lockdown, Operation Drasi kicked in. Are you able to take us through some of the issues around that operation and how Victoria Police managed that quite difficult postcode-based set of restrictions?

Ms NEVILLE: Yes. I think it was about 21 June we started a small change in restrictions in Victoria, because what we were seeing and the advice we were getting at that stage was that it was being spread particularly through households and gatherings. We also knew we had these 10 postcode areas. I think that something like 30-odd suburbs were involved in that that were where we were particularly seeing the spread, but it was households. So there were some limits placed on how many people could be at your home. Again we put in those restrictions. But it was clear with the significant growth very, very quickly in those 10 postcode areas that we needed to see if we could hold the virus in those particular areas, and that is what the Chief Health Officer advised—'Let's see if we can'. It was very much focused at that point on the 10. That was 30 June. Only a few days later we added a couple more suburbs because it was spreading further, but at that stage it was the 10.

Again it was a very quickly established directive and operation that Victoria Police needed to get into place. I suppose in a sense it was [Zoom dropout] doing with the regions now, but much harder, because the boundary of suburbs, and we saw some of those stories of people across the fence in one suburb et cetera. So as an agency you need to be pretty clear around where those boundaries are, how you best do it, how you try and avoid some of those more non-commonsense enforcements that can occur if you do not get those settings right. So it was very much like the booze bus set-ups in certain places: pulling over a number of cars and checking where people were going. We had some on arterials, like the Tullamarine Freeway et cetera, checking people coming off that. Do they live in the area? Should they be there? Do they work? Is there a reason for people leaving? So it was a significant operation with a number of police. We had other restrictions in place across the state that I was still trying to manage, but that became a key priority at that point and they stood that up incredibly quickly.

Ms STITT: Thank you, Minister. Obviously the safety of police officers is so important, as it is for all of our frontline workers in the community at the moment. What is being done to ensure the safety of our police during the COVID pandemic?

Ms NEVILLE: A number of changes were made early on in relation to the booze buses, for example, that I think were used in the community last time. Some of the service changes in police stations et cetera were also put in place in order to reduce that interaction with the community in policing where unnecessary. But PPE has been one of the really critical parts of that. People will see police where, like everyone else, they are using masks, they are using gloves, they are using a lot of sanitiser. Prior to the pandemic police demand each month for masks was about 1000 a month. By April that had risen to 212 000 a month, and of course that continues to increase, particularly now given that masks are compulsory. So in every circumstance now police need to wear that, in all the road checks and their interactions with the community. For sanitiser, prior to the pandemic, demand was 80 each month, and that is now—

The CHAIR: I am sorry to cut you off there, Minister, but the member's time has expired. I will pass the call to Ms Bridget Vallence, MP.

Ms VALLENCE: Thanks, Chair. My questions are to Commissioner Crisp. Commissioner, the Prime Minister, the Minister for Defence in the federal government and Lieutenant General Frewen have all confirmed that ADF personnel were available to assist Victoria with hotel quarantine on 27 March. Do you now accept that ADF assistance was offered and available for Victoria for hotel quarantine?

Mr CRISP: There was ADF support mentioned during various press conferences. At the meetings on 27 and 28 March, when we were setting up Operation Soteria, there was not a direct offer made in relation to ADF resources to go into hotels or hotel quarantine.

Ms VALLENCE: So, Commissioner, are you saying that the Prime Minister and the Minister for Defence and General Frewen were all wrong?

Mr CRISP: What I am saying is that on 27 and 28 March, when we planned and we developed the operational plan for Operation Soteria, there was not a direct offer from the ADF to supply troops for hotel quarantine, and to balance that nor was there an ask made of the ADF.

Ms VALLENCE: Okay. Accepting for a moment that the ADF personnel were not offered, are you telling this committee that you made a conscious decision not to request ADF assistance to manage hotel quarantine?

Mr CRISP: When I went into that meeting on the 27th it was clear to me that the primary security option for Victoria for hotel quarantine was going to be private security, again, well supported by authorised officers, Victoria Police and a structure at each of the hotels.

Ms VALLENCE: So according to General Frewen there was at 27 March 100 ADF troops available to be used for hotel quarantine. Why weren't they used?

Mr CRISP: As I went into that meeting on the 27th it was clear to me that the plan that we would put in place would have private security as the lead in relation to security in the hotels, again, well supported by Victoria Police and authorised officers from the Department of Health and Human Services, who were the control agency for this particular emergency.

Ms VALLENCE: Okay. Commissioner, you confirmed earlier that the meetings on 27 and 28 March at the State Control Centre were recorded. We will ask again: can you provide this committee with the recording of the transcript of these meetings that occurred on 27 and 28 March?

Mr CRISP: So you are referring to how many meetings on the 27th and 28th?

Ms VALLENCE: No. You confirmed that those two meetings were recorded. Can you provide a recording of that transcript to this committee?

Mr CRISP: I am sorry, when you say ‘two meetings’, is that one on the 27th and one on the 28th or two on the 28th?

Ms VALLENCE: Yes, Commissioner. You would well know there were meetings on the 27th and 28th. You have earlier said, just earlier in this hearing, that they were recorded. Will you provide those recordings to this committee?

Mr CRISP: Sorry, I am only trying to be clear and I want to support you. You said ‘two meetings’. There was one meeting on the 27th and there were two meetings on the 28th.

Ms VALLENCE: Could you provide the recordings of all those meetings on notice to this committee?

Mr CRISP: I thought I had previously agreed to do that.

Ms VALLENCE: Thank you. The operation plan that was also discussed earlier, did it include any frontline role for the ADF personnel or Victoria Police to manage hotel quarantine?

Mr CRISP: It set out four phases of the operation. So basically: the arrival at the airport; transport to the hotel; reception at the hotel; and then when people had completed their 14 days of mandatory detention, how they would leave the hotel. So there were various roles in each of those phases for a range of departments and agencies and organisations, including Victoria Police. Victoria Police had a role in relation to reception at the airport itself. They then had a role at reception at the hotel, as people were going through a process of being checked into the hotel. Similarly, when people were to depart hotels after the 14 days of mandatory detention, they also played a role, particularly in the early days, when there was a lot of media interest in terms of control of people that were interested in what was happening at that particular time. They also had a role in relation to response to the hotel when required. There was no—

Ms VALLENCE: Commissioner Crisp, Mr O’Brien mentioned earlier that it is well known that there was an email sent by DJPR requesting Victoria Police be present after that 27 March meeting to help secure hotel quarantine. Why was this request not acted on?

Mr CRISP: Sorry, when was that sent?

Ms VALLENCE: So, as Mr O’Brien mentioned, the reports of the email, which you have acknowledged, was sent from DJPR by senior officials to DHHS requesting Victoria Police be present 24/7 at each hotel starting from that evening. DHHS was requested that urgently. Commissioner, you said you knew about that request. Why was this request not acted on?

Mr CRISP: As I have previously mentioned, with 36 hours to set up this particular operation—and I think those that worked on it did an exceptional job across all those departments and agencies—as you would imagine, there were things that still needed to be worked through during that first week, and that is actually what took place in relation to clarifying the role of police and when they would respond to the hotels.

Ms VALLENCE: Okay. You have mentioned that the DHHS was the control agency. Does that mean Minister Mikakos was the minister ultimately responsible?

Mr CRISP: This is a health emergency, as Minister Neville pointed out earlier. It is a class 2 emergency; it is a pandemic. So the control agency is the Department of Health and Human Services. So the Secretary of the Department of Health and Human Services appointed state controllers on 2 February.

Ms VALLENCE: So as a class 2 emergency, and DHHS as the control agency, as you have quite clearly stated, does that mean Minister Mikakos was the responsible minister?

Mr CRISP: So throughout this emergency there has been a change in state controllers. We are at a point now where it is actually the Secretary of the Department of Health and Human Services who has responsibility in relation to this particular emergency.

Ms VALLENCE: Commissioner Crisp, with respect, the question was quite clear: at the time that these requests were made—you have said DHHS was the control agency—was Minister Mikakos the responsible minister, given that her department, DHHS, was the control agency, as you have noted?

Mr CRISP: In terms of our emergency management arrangements—and that is where I should focus; that is where my legislative responsibilities are—this is a class 2 emergency; it is a pandemic. The Department of Health and Human Services is the control agency. They appoint—

Ms VALLENCE: And Minister Mikakos is therefore the responsible minister, Commissioner?

Mr CRISP: The secretary of the department—

Ms VALLENCE: It is a yes or no [Zoom dropout] Commissioner.

Mr CRISP: If I could answer your question. The secretary appoints state controllers, as is required under the legislation, and those state controllers are responsible to the Secretary of the Department of Health and Human Services. I am talking in terms of purely my responsibilities under the *Emergency Management Act*.

Ms VALLENCE: Commissioner, on or about 24 June did you request 850 ADF personnel to assist Victoria?

Mr CRISP: That is correct.

Ms VALLENCE: And why did you later withdraw that request?

Mr CRISP: Sorry, you just broke up a little bit there, Ms Vallence.

Ms VALLENCE: Why did you later withdraw that request?

Mr CRISP: So, the following day, on the 25th, I had a further conversation with regard to other options that were being explored with other resources from across the Victorian public service, whether that was police, protective services officers or Corrections Victoria. I knew this work was underway. I knew the Department of Health and Human Services were looking at other options in the lead-up to me actually making that request. Again, I might sign the paperwork, but I am doing that on behalf of the Department of Health and Human Services, who are the control agency. That is where that 850 number came from. It came from the Department of Health and Human Services, and therefore I put in that request.

Ms VALLENCE: So it was clear then, Commissioner, from mid-June that there were serious problems with hotel quarantine. Who made the decision to replace private security guards with airline staff and residential support officers?

Mr CRISP: There was a process that was being worked through with those options being developed. Part of that was the request on the—

Ms VALLENCE: Who made the decision? Who made the decision?

The CHAIR: Ms Vallence, could you allow the questions to be answered, please.

Ms VALLENCE: Who made the decision, Commissioner?

Mr CRISP: The decision to do what?

Ms VALLENCE: To engage airline staff and residential support officers.

Mr CRISP: I thought we were talking about the 850 ADF.

Ms VALLENCE: No, we have moved on. Who made the decision to replace private security guards with airline staff and residential support officers in or around mid-June?

Mr CRISP: In mid-June there was a process that was worked through. So there was a further meeting on 25 June where some further options were being explored in relation to resources to go into hotel quarantine. There was a following meeting on 26 June, where—

Ms VALLENCE: Who made the decision?

The CHAIR: Ms Vallence, could you allow the questions to be answered, please.

Mr CRISP: So there was a meeting on the 26th, where there was further discussion about what other options were available to the Victorian government. It was at that time there was a decision about progressing an option around Corrections Victoria, and that decision was then taken and I understand went to cabinet to formalise that particular position.

Ms VALLENCE: Thanks, Commissioner.

Commissioner Patton, some questions to you. As the agency responsible for licensing and regulation of private security companies, and knowing that the industry was under review for systemic issues, did you at any time express any concern over the use of private security guards in Victoria's hotel quarantine program, and if so, did you express those to the minister or Premier?

Chief Comm. PATTON: Sorry, I am just trying to take on board what you are saying. There was a review ongoing, which was announced. You are talking about the review by the state government that was announced a year ago or similar to, if you like—

Ms VALLENCE: Yes.

Chief Comm. PATTON: update the private security [Zoom dropout]

Ms VALLENCE: Because there was a review, did you express any concern about the use of private security guards for hotel quarantine to the Premier, the cabinet or minister?

Chief Comm. PATTON: No.

Ms VALLENCE: No. As the responsible agency, has Victoria Police initiated any inquiries into the private security companies' for potential criminal activity or breaches of a licence?

Chief Comm. PATTON: Yes.

Ms VALLENCE: Yes? If so, how many and who?

Chief Comm. PATTON: Last week I was made aware that complaints had been made to the licensing and registration division, which govern that area, and—

Ms VALLENCE: Will any of the—

The CHAIR: Ms Vallence, your time has just expired. The call is with Mr Tim Richardson, MP.

Mr RICHARDSON: Thank you so much, Chair. Thank you, Minister Neville, for joining us today and Commissioner Crisp and Chief Commissioner Patton for your time in joining us during these really busy and unprecedented times.

Minister, I want to take you to the state of disaster [Zoom dropout] that Commissioner Crisp can add to as well. Obviously that is a significant part and underpinning of our stage 4 restrictions at the moment and the declaration of the state of disaster. Could you please explain how you felt it was necessary to come to that recommendation to the Premier to declare that state of emergency and how these legislative powers utilise the resources of government to respond to this, please?

Ms NEVILLE: Thank you, Mr Richardson, for that question. The state of disaster powers are quite extensive, there is no question about it, and that is why it has been used so rarely. It has been used in probably our worst bushfire this year in terms of, you know, hectares and damage et cetera, and it has been used in the pandemic again, a sort of unprecedented occasion.

The way that the state of disaster works—you are right—is that the Emergency Management Commissioner and I provide advice to the Premier where we believe it is appropriate for our state of disaster to provide additional support. In most of the cases [Zoom dropout] have been able to very strongly just rely on the *Public Health and Wellbeing Act*. That Act has provided enough power, enforcement et cetera to the directives of the Chief Health Officer, and that is critical. And can I just say it is absolutely critical that the state of emergency powers do coexist with this. I mean, you can try and [Zoom dropout] just with a state of disaster, but I think you are getting a better public health outcome if you have a state of emergency under the *Public Health and Wellbeing Act* than just with a state of disaster to really reinforce [Zoom dropout] in certain times and particularly at very high-risk times and fill some of the gaps that that legislation has.

So we made a recommendation to the Premier based on a number of things. We were seeing a significant increase in case numbers. They continued to grow. I think on the day we announced the state of disaster we were at something like 690 cases that day, active cases were continuing to grow but also, importantly, community transmission was growing. So it was not just outbreaks where you could say, ‘It’s at this company’ or ‘this area’ or ‘this workplace’; it was actually community transmission, and that was growing and it was spreading as well. As you know, we talked about the 10 postcodes; well, if you expand that out, we were starting to see that go up across a number of postcodes, a number of communities. We had not, at that point, gone to a point where we had had the number of deaths we were seeing, the spread across so many workplaces and so many areas, and we were about to go to stage 4 restrictions. Again, we had not had that level of this restrictions up until that point, and there was some concern.

There were some limitations in the enforcement capacity under the *Public Health and Wellbeing Act* for Victoria Police. Can I give you an example: so Victoria Police members cannot be authorised officers under the *Public Health and Wellbeing Act*, which means there are certain things they cannot do. Under the delegation that the Chief Health Officer makes to Victoria Police they cannot delegate the ability to require names and addresses, which is obviously a really critical part of people doing the right thing and knowing what people are doing. So the state of disaster enabled me under one of the exercises of powers to give those powers to Victoria Police, some of the powers that authorised officers have, to ensure the police were able to utilise their power in an appropriate way and ensure compliance with those directives.

We spoke a little bit before with Mr Limbrick around the curfew as well. So this was about putting beyond doubt some of those powers. They are extensive powers. At this point none of it has taken away from individual, department or ministerial responsibilities, although there is that power if necessary. But we do not need to do that. We could have a situation where you may need to do that at certain points. I can direct resources et cetera. Now, we have not had to do that, so most of what we have been able to use the state of disaster to do is to make sure Victoria Police have the powers that they need. We do not take these decisions lightly about using a state of disaster, but I know the commissioner and I were very in line with our advice to the Premier that this was now at a point where we felt those additional powers were required.

I know one of the things, in talking to people about the state of disaster, that you may have noticed with the ADF is we have always had to have police with the ADF because they have no enforcement powers in Victoria or anywhere in the country that relate to state issues. So they have got no ability to enforce anything or the Chief Health Officer directives. So that is why they are there together with Victoria Police in any of the patrols that they do. I have been asked, ‘Could we use the state of disaster powers to give powers to the ADF?’, and I cannot. This is very much about our agencies and our jurisdiction only.

Mr RICHARDSON: [Zoom dropout] which has seen a drastic drop-off in those [Zoom dropout]. Minister, I want to take you to the integration with the state of emergency. Obviously there has been a bit of commentary about that recently as well. What relevance does the state of emergency, which was declared some six months ago in March, have to the declaration of the state of disaster?

Ms NEVILLE: Certainly in a state of disaster in a bushfire it is probably best [Zoom dropout] for us to give powers, in that case being the exercise of the powers related to evacuating people in those high-risk areas. You

would not want to do that in a public health situation—just rely on a state of disaster. You really need the state of emergency that sits under the *Public Health and Wellbeing Act*. That is about directives around health outcomes, and again it is much more appropriate to give certain powers to the Chief Health Officer. Again, that is a much better scenario than giving certain powers to me as minister for emergency services. And I should say that the powers are not with me as police minister but as emergency services under the state of disaster. So the state of emergency remains a really critical part of both giving power to the Chief Health Officer to determine what is necessary in order to get rid of the virus, what are the measures that we need to put in place, as well as then giving powers to Victoria Police to enforce and to infringe people, which is also not available under the state of disaster. So they work well together. A state of disaster without a state of emergency in relation to something like a pandemic would not be, I do not think, the appropriate tool that you would use. We really going forward need to make sure that we have the ability under a state of emergency to give police the ability to enforce and infringe, whilst making sure that the state of disaster, where we are in a serious situation which would be when you would use it, is there to make sure any gaps are filled in relation to the *Public Health and Wellbeing Act*.

Mr RICHARDSON: It is obviously extraordinary times, and a one-in-100-year health event requires extraordinary responses. I want to take you to the transparency and accountability around these decisions. How are you ensuring you exercise these powers in a manner that is accountable and transparent to the Victorian people?

Ms NEVILLE: Yes, you are right, in the sense that I spoke right at the beginning about the different emergencies and different responsibilities. In a class 2 emergency, as I said, DHHS is the control agency. I suppose what happens when you have state of disaster powers or responsibilities I did not have previously under class 2, I now become empowered around these particular areas, so there is much greater responsibility that I have at the moment. But it also gives me quite significant powers, and you need to make sure that you are using those wisely in a scenario of a health emergency, in which I am not the primary agent or the minister for. So that means that I rely very strongly on advice from the Chief Commissioner of Police; Andrew Crisp, the Emergency Management Commissioner; the state control team, which is now with all the secretaries on board. So whenever we need a multi-agency response, where there are gaps, we call that in. And of course I am accountable to the government through CCC, and of course every decision I take I have had solicitor-general advice as well. So I do not use these powers lightly. I seek advice about when we may need them, when it may assist us in responding to the pandemic and how it might ensure that we are on top of this pandemic as quickly as possible.

In addition to that, the Premier is also required to report to Parliament, and I think we have had our first report of that this week—I think it was this week or last week—about the first exercise of those powers. So there are a number of mechanisms and tools that go to the question of transparency and accountability for what are quite extraordinary powers.

Mr RICHARDSON: That is just about my time done. Thanks very much, Minister.

The CHAIR: Thank you very much, Mr Richardson, and thank you, Minister, for your time today, and thank you, Commissioner Crisp, and Commissioner for your time and the work that your teams do. I know all of our communities sincerely appreciate it, and thank you to your officials as well.

The committee will follow up on any questions which were taken on notice in writing, and responses will be required within five working days of the committee's request. We will now be taking a short break before consideration—

Mr RIORDAN: Excuse me, Chair, could I just raise a point of order before we finish?

The CHAIR: Certainly.

Mr RIORDAN: In line with your comments then, there has been evidence given today by the commissioner, following on from the evidence given by Mr Phemister, particularly last week in relation to the meetings on the 27th and the decision to procure private hotel security guards for the two botched hotel quarantine programs. Can we get the secretariat to send transcripts of both lots of evidence to both the commissioner and to Secretary Phemister to seek clarification on these points?

The CHAIR: Sorry, Deputy Chair, that is not a point of order. I will rule it out of order. We have a separate committee meeting this afternoon. If there are issues like that, you are welcome to put them on the agenda of our general committee meeting for consideration by the committee at the appropriate time.

Mr RIORDAN: Can we move that to the committee meeting?

The CHAIR: Thank you, Deputy Chair. There is no point of order. This committee hearing is now adjourned. Thank you.

Witnesses withdrew.