

20200515 Talking Points for Cth cooperation with NSW Special Commission of Inquiry.docx

Talking Points – for use prior to any summonses being issued

If asked: Will the Commonwealth cooperate with the Special Commission of Inquiry?

- To assist the Inquiry, the Government has, through the Australian Government Solicitor, written to the Commission indicating the Commonwealth's intention to voluntarily provide details that outline communications, decisions and actions, along with the relevant legal framework in which decisions and actions occurred, relevant to the disembarkation of the Ruby Princess.

If asked: Has the Commonwealth received any requests for information or assistance?

- The Commonwealth has not received any summonses.

If asked: Why is the Government not fully cooperating with the Inquiry or why has the Commonwealth indicated that it is not bound by the NSW Special Commissions of Inquiry Act?

- The Commonwealth is voluntarily assisting the Commission by providing material to it.
- The Commonwealth's officers and employees are not bound by the NSW Special Commission of Inquiry Act and are not subject to any of the Commission's coercive powers.
- The Commonwealth intends to cooperate with the Commission consistent with historical levels of participation in State and Territory inquiries.

If asked: Will Commonwealth officers or employees appear as witnesses before the Commission?

- The Commonwealth's intention is to assist the Commission by voluntarily providing details that outline communications, decisions and actions, along with the relevant legal framework in which decisions and actions occurred, relevant to the disembarkation of the Ruby Princess.

If asked: Was this letter or approach a result of Senator Keneally's notice of motion in the Senate of 14 May 2020 that the Federal Government has failed to take responsibility for the docking of the Ruby Princess in Sydney?

- No - the Commonwealth's intention to voluntarily cooperate and assist the Commission in this way has been in progress for some time.

If asked: Will the Commonwealth cooperate with the Coroner and the NSW Police investigations?

- The Commonwealth will consider requests for information or assistance in relation to the NSW Police investigation and intends to cooperate in responding.

s 42

s 42

s 47C, s 37

20200528 Talking Points for Cth cooperation with NSW Special Commission of Inquiry.docx

Talking Points – for use prior to any summonses being issued

If asked: Will the Commonwealth cooperate with the Special Commission of Inquiry?

- To assist the Inquiry, the Government has, through the Australian Government Solicitor, made a written submission to the Commission outlining communications, decisions and actions, along with the relevant legal framework in which decisions and actions occurred, relevant to the disembarkation of the Ruby Princess.

If asked: Has the Commonwealth received any requests for information or assistance?

- The Commonwealth has not received any summonses.

If asked: Why is the Government not fully cooperating with the Inquiry or why has the Commonwealth indicated that it is not bound by the NSW Special Commissions of Inquiry Act?

- The Commonwealth is voluntarily assisting the Commission by providing material to it.
- The Commonwealth's officers and employees are not bound by the NSW Special Commission of Inquiry Act and are not subject to any of the Commission's coercive powers.
- The Commonwealth intends to cooperate with the Commission consistent with historical levels of participation in State and Territory inquiries.

If asked: Will Commonwealth officers or employees appear as witnesses before the Commission?

- The Commonwealth's intention is to assist the Commission by voluntarily providing details that outline communications, decisions and actions, along with the relevant legal framework in which decisions and actions occurred, relevant to the disembarkation of the Ruby Princess.

If asked: Was this letter or approach a result of Senator Keneally's notice of motion in the Senate of 14 May 2020 that the Federal Government has failed to take responsibility for the docking of the Ruby Princess in Sydney?

- No - the Commonwealth's intention to voluntarily cooperate and assist the Commission in this way has been in progress for some time.

If asked: Will the Commonwealth cooperate with the Coroner and the NSW Police investigations?

- The Commonwealth will consider requests for information or assistance in relation to the NSW Police investigation and intends to cooperate in responding.

s 42

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s 47C, s 37

20200607 Talking Points for NSW Special Commission of Inquiry - 7 June 2020 Clean.docx

Talking Points – for use following the Commonwealth’s Statement to the Commission

- To assist the Inquiry on 12 June 2020, the Government, through the Australian Government Solicitor, voluntarily provided the Commission with a statement describing the legal and policy framework as relevant to the arrival and disembarkation of the Ruby Princess, along with a factual narrative which sets out the key communications, decisions and actions of the Commonwealth.

If asked: Has the Commonwealth received any requests for information or assistance?

- The Commonwealth voluntarily provided the Commission with a statement to assist the Inquiry.
- The Commission has invited:
 - the Commonwealth to address a list of issues in a further written submission; the Commonwealth is considering this invitation; and
 - Commonwealth officers to provide evidence to the Commission; the Commonwealth is working with the Commission to provide it with relevant information.

If asked: Why is the Government not fully cooperating with the Inquiry or why has the Commonwealth indicated that it is not bound by the NSW Special Commissions of Inquiry Act?

- The Commonwealth is voluntarily assisting the Commission by providing a statement and information to it.
- The NSW Special Commission of Inquiry’s coercive powers do not apply to the Commonwealth’s officers and employees.
- The Commonwealth has cooperated with the Commission consistent with historical levels of participation in State and Territory inquiries.

If asked: Will Commonwealth officers or employees appear as witnesses before the Commission?

- The Commonwealth has assisted the Commission by voluntarily providing a statement describing the legal and policy framework as relevant to the arrival and disembarkation of the Ruby Princess along with a factual narrative which sets out the key communications, decisions and actions of the Commonwealth.

If asked: Was this letter or approach a result of Senator Keneally’s notice of motion in the Senate of 14 May 2020 that the Federal Government has failed to take responsibility for the docking of the Ruby Princess in Sydney?

- No - the Commonwealth's voluntary cooperation and assistance to the Commission in this way has been in progress for some time.

If asked: Will the Commonwealth cooperate with the Coroner and the NSW Police investigations?

- The Commonwealth is cooperating with requests for information and assistance in relation to the NSW Police investigation.

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s 42

s 47C, s 37

s 47C, s 37

Home Affairs specific Talking Points

If asked: Whether the ABF was responsible for the health consequences resulting from the arrival and disembarkation of the Ruby Princess?

- The voluntary statement provided to the Commission by the Commonwealth shows that the ABF discharged its customs and immigration functions consistently with its legislative responsibilities.

If asked: Why didn't the ABF ask for health information under Migration Regulation 3.15?

- Regulation 3.15 is an old migration power. There was no migration purpose for requiring health information under that regulation. Biosecurity matters are and were dealt with through the Biosecurity Act 2015.
- Reporting for migration and customs purposes now happens through Advanced Passenger Processing under section 245L of the Migration Act. This requires cruise ship operators to report on each passenger and crew member who will be on board when the ship arrives in Australia. This does not require health information. Health matters are dealt with through the Biosecurity Act 2015.

If asked: why wasn't the Ruby Princess given permission to enter the port of Sydney, under section 248 of the Migration Act?

- The exemption power is a migration power. Because passengers were almost all Australian citizens with a few passengers who held a visa, there was no immigration purpose to refuse entry. A refusal under s 248 could not be used for a biosecurity purpose. That is and was dealt with under the Biosecurity Act
- Permission was granted under the Customs Act to enter the port of Sydney and the Ruby Princess was not covered by the Biosecurity Act determination to exclude cruise ships.

If asked: It seems from the Commonwealth's Voluntary Statement that an ABF Officer, gave permission for the Ruby Princess to disembark, doesn't that mean that the ABF/Commonwealth bears responsibility for the disembarkation of hundreds of passengers with COVID?

- It would not be appropriate to answer questions about individual officer's decisions, since the NSW Special Commission is investigating the specific events
- The ABF did not have authority to make biosecurity decisions in relation to the Ruby Princess. The ABF was responsible for making decisions in relation to Customs clearance of goods, and immigration matters, not biosecurity.

If asked: It seems from the Commonwealth's Voluntary Statement that Mr Ozger, an ABF Officer, misinterpreted negative flu test results for some passengers undertaken on board the Ruby Princess as being negative COVID test results, what do you say about that?

- It would not be appropriate to answer questions about individual officer's decisions, since the NSW Special Commission is investigating the specific events
- The ABF did not have authority to make biosecurity decisions in relation to the Ruby Princess. The ABF was responsible for making decisions in relation to Customs clearance of goods, and immigration matters, not biosecurity.

20200612 Talking Points for NSW Special Commission of Inquiry - post Commonwealth statement.docx

Talking Points – for use following the Commonwealth’s Statement to the Commission

- To assist the Inquiry on 12 June 2020, the Government, through the Australian Government Solicitor, voluntarily provided the Commission with a statement describing the legal and policy framework as relevant to the arrival and disembarkation of the Ruby Princess, along with a factual narrative which sets out the key communications, decisions and actions of the Commonwealth.

If asked: Has the Commonwealth received any requests for information or assistance?

- The Commonwealth voluntarily provided the Commission with a statement to assist the Inquiry.

If asked: Why is the Government not fully cooperating with the Inquiry or why has the Commonwealth indicated that it is not bound by the NSW Special Commissions of Inquiry Act?

- The Commonwealth is voluntarily assisting the Commission by providing a statement and information to it.
- The NSW Special Commission of Inquiry’s coercive powers do not apply to the Commonwealth’s officers and employees.
- The Commonwealth has cooperated with the Commission consistent with historical levels of participation in State and Territory inquiries.

If asked: Will Commonwealth officers or employees appear as witnesses before the Commission?

- The Commonwealth has assisted the Commission by voluntarily providing a statement describing the legal and policy framework as relevant to the arrival and disembarkation of the Ruby Princess along with a factual narrative which sets out the key communications, decisions and actions of the Commonwealth.

If asked: Was this letter or approach a result of Senator Keneally’s notice of motion in the Senate of 14 May 2020 that the Federal Government has failed to take responsibility for the docking of the Ruby Princess in Sydney?

- No - the Commonwealth’s voluntary cooperation and assistance to the Commission in this way has been in progress for some time.

If asked: Will the Commonwealth cooperate with the Coroner and the NSW Police investigations?

- The Commonwealth is cooperating with requests for information and assistance in relation to the NSW Police investigation.

20200612 Talking Points for NSW Special Commission of Inquiry - post Commonwealth
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s 47C, s 37

20200612 Talking Points for NSW Special Commission of Inquiry - post Commonwealth
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Home Affairs specific Talking Points

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- Regulation 3.15 is an old migration power. There was no migration purpose for requiring health information under that regulation. Biosecurity matters are and were dealt with through the Biosecurity Act 2015.
- Reporting for migration and customs purposes now happens through Advanced Passenger Processing under section 245L of the Migration Act. This requires cruise ship operators to report on each passenger and crew member who will be on board when the ship arrives in Australia. This does not require health information. Health matters are dealt with through the Biosecurity Act 2015.

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If asked: It seems from the Commonwealth's Voluntary Statement that an ABF Officer, gave permission for the Ruby Princess to disembark, doesn't that mean that the ABF/Commonwealth bears responsibility for the disembarkation of hundreds of passengers with COVID?

- It would not be appropriate to answer questions about individual officer's decisions, since the NSW Special Commission is investigating the specific events
- The ABF did not have authority to make biosecurity decisions in relation to the Ruby Princess. The ABF was responsible for making decisions in relation to Customs clearance of goods, and immigration matters, not biosecurity.

20200612 Talking Points for NSW Special Commission of Inquiry - post Commonwealth statement.docx

If asked: It seems from the Commonwealth's Voluntary Statement that Mr Ozger, an ABF Officer, misinterpreted negative flu test results for some passengers undertaken on board the Ruby Princess as being negative COVID test results, what do you say about that?

- It would not be appropriate to answer questions about individual officer's decisions, since the NSW Special Commission is investigating the specific events
- The ABF did not have authority to make biosecurity decisions in relation to the Ruby Princess. The ABF was responsible for making decisions in relation to Customs clearance of goods, and immigration matters, not biosecurity.

s 22

From: s 22
Sent: Thursday, 16 July 2020 9:19 AM
To: s 22
Cc: Daley, Gemma; s 22
Subject: Ruby Princess inquiry - publication of Commonwealth statement - Talking points [SEC=OFFICIAL]

Hi s 22 – the NSW Special Commission of Inquiry into the Ruby Princess has published the Commonwealth’s voluntary statement. Although unlikely to be needed, here are some talking points.

If asked: How is the Commonwealth cooperating with the Inquiry?

- The Commonwealth is cooperating with the Commission consistent with historical levels of participation in state and territory inquiries.
- The Commonwealth voluntarily provided an initial statement to assist the Commission.
- The statement describes the legal and policy framework relevant to the arrival and disembarkation of the Ruby Princess, along with a factual narrative of the key communications, decisions and actions of the Commonwealth.
- The statement was published on the Commission’s website on Wednesday (15 July), with some redactions.
- A further statement has been provided with specific information requested by the Commission.
- The Commonwealth will continue to assist the Commission voluntarily on the significant matters of its inquiry.

s 22 | Adviser

Minister for Agriculture, Drought and Emergency Management
Ph: s 22 | M: s 22 | s 22 awe.gov.au

s 42

s 42

s 42

s 42

s 47C, s 37

s 47C, s 37

Home Affairs specific Talking Points

If asked: Whether the ABF was responsible for the health consequences resulting from the arrival and disembarkation of the Ruby Princess?

- The voluntary statement provided to the Commission by the Commonwealth shows that the ABF discharged its customs and immigration functions consistently with its legislative responsibilities.

If asked: Why didn't the ABF ask for health information under Migration Regulation 3.15?

- Regulation 3.15 is an old migration power. There was no migration purpose for requiring health information under that regulation. Biosecurity matters are and were dealt with through the Biosecurity Act 2015.
- Reporting for migration and customs purposes now happens through Advanced Passenger Processing under section 245L of the Migration Act. This requires cruise ship operators to report on each passenger and crew member who will be on board when the ship arrives in Australia. This does not require health information. Health matters are dealt with through the Biosecurity Act 2015.

If asked: why wasn't the Ruby Princess given permission to enter the port of Sydney, under section 248 of the Migration Act?

- The exemption power is a migration power. Because passengers were almost all Australian citizens with a few passengers who held a visa, there was no immigration purpose to refuse entry. A refusal under s 248 could not be used for a biosecurity purpose. That is and was dealt with under the Biosecurity Act
- Permission was granted under the Customs Act to enter the port of Sydney and the Ruby Princess was not covered by the Biosecurity Act determination to exclude cruise ships.

If asked: It seems from the Commonwealth's Voluntary Statement that an ABF Officer, gave permission for the Ruby Princess to disembark, doesn't that mean that the ABF/Commonwealth bears responsibility for the disembarkation of hundreds of passengers with COVID?

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- The ABF did not have authority to make biosecurity decisions in relation to the Ruby Princess. The ABF was responsible for making decisions in relation to Customs clearance of goods, and immigration matters, not biosecurity.

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- The ABF did not have authority to make biosecurity decisions in relation to the Ruby Princess. The ABF was responsible for making decisions in relation to Customs clearance of goods, and immigration matters, not biosecurity.

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s 22

From: Ag Media
Sent: Thursday, 30 July 2020 11:23 AM
To: **s 22**
Cc: Canning, Emily; O'CONNELL, Lyn; Sanson -Fisher, Jadd; Cooper, Barbara; **s 22** ;
 Bod.Fas; Linacre, Alice; **s 22** ; Ag Media
Subject: FOR REVIEW: Ruby Princess - ABC 7.30 [SEC=OFFICIAL]
Importance: High

Good morning Douglas, Brett

As discussed yesterday, please see below proposed responses for Andrew. We will provide the responses just before 12pm if you have no concerns/questions.

Q1.

No. The Department does not accept that it failed in the performance of any duty.

Human biosecurity officers employed by NSW Health, and NSW Health generally, assessed the level of human health risk associated with the arrival of cruise ships. This included any necessary contact with the ship's medical staff, and whether measures should be taken in response to that assessment.

Q2.

The level of risk is assessed on a case by case basis following consideration of relevant information for each vessel. That confirmation was sought and received from NSW Health in relation to the Ruby Princess.

Q3.

The department:

- is conducting a further review of the process and policies, which will incorporate any relevant findings made by the Special Commission of Inquiry;
- has developed and updated national protocols relating to the risk assessment of vessels;
- has updated the Maritime Vessel Arrival Reporting System to further clarify requirements for pratique and for obtaining confirmation from human biosecurity officers for clearance; and
- has conducted training for biosecurity officers on the granting of pratique, with further training to be offered to human biosecurity officers and chief human biosecurity officers.

Thank you and happy to discuss.

Kind regards

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s 22

Senior Media Officer | Media

Agriculture & water inquiries: **s 22**

Environment inquiries: **s 22**

Department of Agriculture, Water and the Environment
 Communication and Media Branch
 Corporate and Business Division
 John Gorton Building, Barton ACT 2600 Australia

awe.gov.au

From: Andrew Probyn <s 47F abc.net.au>
Sent: Wednesday, 29 July 2020 5:07 PM
To: Media <media@environment.gov.au>
Cc: James Elton <s 47F abc.net.au>
Subject: Media inquiry re Ruby Princess

Hi guys,

I'm working on a story for 7.30 program about the Ruby Princess.

I would like a response by 12 NOON tomorrow.

I note the Commonwealth's Voluntary Statement to the Special Commission of Inquiry into the Ruby Princess, dated July 16:

<https://www.rubyprincessinquiry.nsw.gov.au/assets/scirp/files/Exhibit-119.pdf>

At 38 it says:

- *"The practice of Agriculture at the Port of Sydney was not to require biosecurity officers to interview the Master, and was for biosecurity officers to rely on the PreArrival Report and Human Health Update forms submitted in completing the Human Health section of the routine vessel inspection forms."*

And 47 it says:

- *"The Commonwealth accepts that a Human Health Inspection of the Ruby Princess was, according to its own policies (although not by law), required on 19 March 2020 and that as a result of specific practices followed at the Port of Sydney, aspects of that Human Health Inspection (including administration of the TIC) were not completed".*

Question 1: Does the Department of Agriculture acknowledge that it failed in its duty to conduct appropriate inspections, given the attending biosecurity officer Traci Joseph did not administer any Traveller with Illness Checklist forms while on board the Ruby Princess?

Question 2: Does the Department of Agriculture believe it would be better practice to seek explicit confirmation that a ship is "low risk" from health authorities, rather than, as put at 34, "a biosecurity officer was entitled to conclude from the nonattendance of NSW Health at a cruise ship arrival that it had assessed the vessel as 'low risk'."?

Question 3: What changes have been implemented by the Department since the Ruby Princess incident?

Andrew



Andrew Probyn
Political Editor, ABC News

M s 47F E s 47F abc.net.au
T s 47F <image001.png> @andrewprobyn
W abc.net.au/news



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s 47C

From: s 22
Sent: Wednesday, 12 August 2020 11:14 AM
To: s 22 @agriculture.gov.au>
Subject: Backbenchers [SEC=OFFICIAL]

Hi s 22 – below are some points for backbenchers.

s 22

If raised –NSW Special Commission of Inquiry into the Ruby Princess

- Labor is claiming that the government has not cooperated with the Commission.
- The Commonwealth has cooperated with the Commission consistent with historical levels of participation in State and Territory inquiries.
- The Commonwealth has voluntarily assisted the Commission on this significant matter, providing four detailed statements on a voluntary basis.
- The Commonwealth, its officers and its employees are not are not subject to any of the Commission’s coercive powers.
- The Commission is due to report to the Premier and Governor of New South Wales by Friday 14 August.

s 22

s 22 | Adviser

Office of the Hon. David Littleproud MP
Deputy Leader of the Nationals
Minister for Agriculture, Drought and Emergency Management

Parliament House, CANBERRA ACT 2600

Ph: s 22 | M: s 22 | s 22 @awe.gov.au

General Talking Points – Ruby Princess - DAWE

- The Commonwealth has been actively engaged with the inquiry and has provided four voluntary statements to the Commission, along with a considerable number of policy and operational documents, and correspondence between Commonwealth officials.
 - The four voluntary statements are dated 12 June, 16 July (**second statement**), 31 July and 3 August 2020.
- The statements describe the legal and policy framework relevant to the arrival and disembarkation of the Ruby Princess, along with a factual narrative which sets out the key communications, decisions and actions of the Commonwealth.

[If pressed:]

- It is the Commonwealth's understanding that the provision of this information has been helpful to the Commission.
- Counsel Assisting the Commission described publicly the Commonwealth's first voluntary statement as 'extremely detailed and of great assistance to the Commission'.

If asked: Why is the Government not fully cooperating with the Inquiry or why has the Commonwealth indicated that it is not bound by the NSW Special Commissions of Inquiry Act?

- The Commonwealth is voluntarily assisting the Commission by providing a statement and information to it.
- The NSW Special Commission of Inquiry's coercive powers do not apply to the Commonwealth's officers and employees.
- The Commonwealth has cooperated with the Commission consistent with historical levels of participation in State and Territory inquiries.

Did the Department prevent its officers from attending and giving evidence to the Commission?

- No. The Commonwealth's position is that witnesses do not usually appear as witnesses before such bodies.
- The Commonwealth worked with the Commission to provide with relevant information.
- The Commission excused the department's officer from attending.

If asked: Will the Commonwealth cooperate with the Coroner and the NSW Police investigations?

- The Commonwealth is cooperating with requests for information and assistance in relation to the NSW Police investigation.

Talking Points –Senate COVID-19 Committee about Commonwealth cooperation with the Special Commission

Is asked: Has the Government given any directives about engaging with the Commission?

- The Prime Minister has publicly indicated that the Commonwealth would engage in a cooperative manner with the inquiry.

If asked: What are the legal concerns with officers appearing before the Commission?

- The Special Commission's coercive powers do not apply to the Commonwealth's officers and employees.
- The Commonwealth has engaged with the Commission in a cooperative manner.

If asked: When did the Commonwealth/department become aware of the summons issued by the Commissioner Bret Walker to compel the attendance of a Department of Agriculture Biosecurity Officer at the Special Commissioner?

- The Department of Agriculture, Water and the Environment was advised on 7 July 2020 that the Commissioner had issued a summons to compel the attendance of the department's officer.

If asked: Was the Prime Minister's Office advised that a summons had been issued and if so, when?

- Questions regarding the Prime Minister's Office should be addressed to the Department of Prime Minister and Cabinet.

s 42**Talking Points - Release of SCIRP Report**

- The Special Commission of Inquiry into the Ruby Princess (**SCIRP**) is due to provide its final report to the Premier and Governor of New South Wales by **Friday 14 August 2020**.
- It is possible that the report will be published at any time from 14 August onwards.

If asked: What steps is the department taking in light of the information coming out of the hearings?

- The department is conducting its own review into process improvement and has already implemented a number of changes.
- The department has commenced and is continuing to progress:
 - conducting training for biosecurity officers on the granting of pratique, with further training to be offered to human biosecurity officers and chief human biosecurity officers;
 - updating the Maritime Vessel Arrival Reporting System (MARS) to further clarify requirements for pratique and for obtaining confirmation from human biosecurity officers for clearance;
 - considering other changes which can be made to MARS and inspection e-forms to advise biosecurity officers and addressing any technological limitations more generally whilst on board a vessel;
 - a further review of the process, practices and policies, which will incorporate any relevant findings made by the SCIRP;
 - developing and updating national protocols relating to the risk assessment of vessels.

*If the report is **not** published on 14 August 2020*

- It would not be appropriate to speculate on or prejudge the findings of the Commission.
- The Commonwealth has cooperated fully with the Commission to enable proper consideration of the events surrounding the Ruby Princess. Any findings that are made by the Commission will be carefully considered.

*If the report **is** published on 14 August 2020*

- This report deals with serious matters. The findings need to be carefully considered and assessed, and my department is currently undertaking that process.

- This is important to get right, and we should make sure that all the lessons from the incident are properly understood before responding.
- The bottom line is that all the parties involved need to work together effectively to manage cruise ship arrivals in a pandemic, whether that's states, the Commonwealth or the cruise lines.
- My expectation is that my department will work closely with the other parties to achieve this.

If asked about specific findings of the report regarding issues of the department

- There are a number of findings in the report that we need to look at. Where there are improvements to make, my expectation is that the department will get on and do that.
- It's important that we carefully consider those findings and understand them before any response.
- The bottom line is that all the parties involved need to work together effectively to manage cruise ship arrivals in a pandemic, whether that's states, the Commonwealth or the cruise lines.

Talking Points – Publishing correspondence between the Solicitor Assisting the SCIRP and the Australian Government Solicitor

- The SCIRP has published correspondence between the Solicitor Assisting the Commission and the Australian Government Solicitor, representing the Commonwealth.
- The correspondence relates to the Commonwealth's voluntary submissions and the summons to appear issued to the Department of Agriculture Biosecurity Officer.

[If pressed:]

- The Commonwealth provided all requested information to the SCIRP in a voluntary statement. On that basis, the Commissioner agreed to excuse the biosecurity officer from attendance to the summons.
- The Commonwealth's consistent position has been that:
 - the New South Wales *Special Commissions of Inquiry Act 1983* does not bind the Commonwealth, its officers or employees; and
 - the Commonwealth, its officers and employees are not subject to any of the Commission's coercive powers.

s 47C, s 37

Voluntary Statements

- To date, the Commonwealth has provided four Voluntary Statements to the Commission.
 - All four submissions are available on the Commission's website - <https://www.rubyprincessinquiry.nsw.gov.au/>
- The first Voluntary Statement, provided on 12 June 2020, describes the legal and policy framework within which actions of the Commonwealth health, Home Affairs (including Australian Border Force) and Agriculture in relation to the Rub Princess occurred. It provides a narrative chronology of key communications, decisions and actions of the Commonwealth, having regard to the steps contemplated by that legal framework.
- The second Voluntary Statement, provided on 16 July 2020, responded to questions from the Commission, particularly relating to the granting of pratique.

- Note: this Statement was provided to address questions instead of having a Commonwealth officer summoned to appear before the Commission.
- The third Voluntary Statement, provided on 31 July 2020, responded to an email from the Commission to clarify the operation of the Commonwealth *Migration Act 1958*.
- The fourth Voluntary Statement, provided on 3 August 2020, responded to an invitation by the Commissioner to address the issues canvassed in media reporting about the role of the Australian Border Force in relation to the arrival and disembarkation of the Ruby Princess.

s 22

From: s 22
Sent: Friday, 14 August 2020 1:49 PM
To: Minister Littleproud (s 22 agriculture.gov.au)
Cc: s 22 s 47E(d)
Subject: Special Commission - due to report today, Fri 14 Aug [SEC=OFFICIAL]

Categories: With Minister

Minister

The Special Commission of Inquiry into the Ruby Princess is due to provide its final report to the Premier and NSW Governor **later today Friday, 14 August 2020**. We consider it likely it will be published soon after.

Talking points are attached – key points are:

- The Commonwealth has actively engaged with the inquiry and has provided four voluntary statements to the Commission, along with a considerable number of policy and operational documents, and correspondence.

*If the report is **not** published*

- It would not be appropriate to speculate on or prejudge the findings of the Commission.
- The Commonwealth has cooperated fully with the Commission to enable proper consideration of the events surrounding the Ruby Princess.
- Any findings that are made by the Commission will be carefully considered.

If the report is published

- This report deals with serious matters. The findings need to be carefully considered and assessed, and my department is currently undertaking that process.
- This is important to get right, and we should make sure that all the lessons from the incident are properly understood before responding.

Handling advice will be provided as soon as possible after the report is published.

s 22

s 22 | Adviser

Minister for Agriculture, Drought and Emergency Management
Ph: s 22 | M: s 22 | s 22 awe.gov.au

s 22

From: s 22
Sent: Friday, 14 August 2020 5:33 PM
To: Minister Littleproud (s 22 agriculture.gov.au)
Cc: s 22 s 47E(d)
Subject: Special Commission - talking points for Sky [SEC=OFFICIAL]

Minister – some points on the Ruby Princess report. Preliminary views are that the report provides some criticism of the way we have managed human health clearances of vessels, which we will use to strengthen and improve our processes, but it is not too significant. The Commissioner has made some negative comments about the Commonwealth’s ‘time-wasting’ but was overall satisfied with the information provided.

Talking points

- This report deals with serious matters. The findings need to be carefully considered and assessed, and my department is currently undertaking this process.
- This is important to get right, and we need to make sure that all the lessons from the incident are properly understood before responding.
- The department deals with biosecurity risk, focusing on the movement of goods and vessels, including human health clearance of vessels.
- We will use the findings to strengthen and improve the way we managing these risks, building on the changes that we have already introduced.
- The Commonwealth has cooperated with the Commission consistent with historical levels of participation in state and territory inquiries.
- The Commissioner commented on the quality and helpfulness of the voluntary submissions and information provide by the Commonwealth.
- It is time for Senator Kennelly to apologies to the hard working ABF and biosecurity officers that she has sought to smear every step of the way.

From: s 22
Sent: Friday, 14 August 2020 1:49 PM
To: Minister Littleproud (s 22 @agriculture.gov.au) <s 22 @agriculture.gov.au>
Cc: s 22 agriculture.gov.au>; s 22 @agriculture.gov.au>;
s 22 agriculture.gov.au>; s 47E(d)
homeaffairs.gov.au>
Subject: Special Commission - due to report today, Fri 14 Aug [SEC=OFFICIAL]

Minister

The Special Commission of Inquiry into the Ruby Princess is due to provide its final report to the Premier and NSW Governor **later today Friday, 14 August 2020**. We consider it likely it will be published soon after.

Talking points are attached – key points are:

- The Commonwealth has actively engaged with the inquiry and has provided four voluntary statements to the Commission, along with a considerable number of policy and operational documents, and correspondence.

*If the report is **not** published*

- It would not be appropriate to speculate on or prejudge the findings of the Commission.
- The Commonwealth has cooperated fully with the Commission to enable proper consideration of the events surrounding the Ruby Princess.
- Any findings that are made by the Commission will be carefully considered.

If the report is published

- This report deals with serious matters. The findings need to be carefully considered and assessed, and my department is currently undertaking that process.
- This is important to get right, and we should make sure that all the lessons from the incident are properly understood before responding.

Handling advice will be provided as soon as possible after the report is published.

s 22

s 22 | Adviser

Minister for Agriculture, Drought and Emergency Management
Ph: s 22 | M: s 22 | s 22 @awe.gov.au

s 22

From: s 22
Sent: Saturday, 15 August 2020 4:22 PM
To: David Littleproud
Cc: Daley, Gemma (HA); s 22 ; s 22
Subject: MR FOR APPROVAL: New pre-arrival screening process for commercial vessels

Sunday August 16, 2020

New pre-arrival screening process for commercial vessels

The Australian Government has successfully implemented stronger pre-arrival screening processes for crews on commercial vessels entering Australia to better identify and manage potential COVID-19 risks in real-time.

Minister for Agriculture David Littleproud said the new screening measures commenced on 29 July 2020 as part of our ongoing commitment to improve and refine our border screening procedures in the face of the pandemic.

“We have always said that we needed to be agile when it comes to managing the COVID-19 pandemic, and that’s exactly what these changes represent.

The new process requires commercial vessels entering Australia to provide more information about COVID-19 like symptoms on board, as part of mandatory pre-arrival reporting.

Commercial vessels that report anybody who has, or has had, symptoms consistent with COVID-19 are flagged. People or goods are not permitted to come on or off the vessel until human health risks have been assessed by state or territory human biosecurity officers.

A key change is that written advice from the state or territory must be received following this assessment before the vessel can unload. This advice may include additional requirements to manage the risk of COVID-19.

A new communication protocol means that relevant authorities and agencies are made aware of vessels that may pose a COVID-19 risk.

“This enhanced process was developed in partnership with state and territory governments as well as the Australian Border Force and the Department of Health and have been supported by the Australian Health Protection Principal Committee.

This process is currently designed for commercial vessels, which are permitted to enter Australia under the existing border restrictions. Any extension of these protocols to

cruise ships will be discussed with states and territories before international cruises resume.

“I note the NSW Special Commission of Inquiry into the Ruby Princess’s findings that the hard-working officers from my department made decisions that were entirely in accordance with the risk assessment made by the medical experts.

“Nonetheless, we will continue to improve, enhance and strengthen all of our approaches to managing this pandemic,” Minister Littleproud said today.

s 22

From: s 22
Sent: Sunday, 16 August 2020 3:00 PM
To: Littleproud, David
Cc: s 22 s 22
Subject: For approval media enquiry [SEC=UNCLASSIFIED]

Afternoon Minister,
There is a media enquiry from the Australian re: Ruby Princess/Biosecurity Act.

Media enquiry from the Australian:

I'm a journalist with The Australian newspaper. Are you able to indicate whether the Minister will call for a review of the Biosecurity Act in light of recommendations made by the Special Commission of Inquiry into the Ruby Princess? There are some issues within the Act regarding the granting of pratique to incoming ships, as well as other matters, which the commissioner flagged for attention.

Suggested response based on yesterday's response to Sky News.

The Australian Government has moved to strengthen maritime commercial vessel screening processes. Essentially it's an enhanced process which requires commercial vessels entering Australia to provide more information about COVID-19 like symptoms on board, as part of mandatory pre-arrival reporting. Commercial vessels that report anybody who has, or has had, symptoms consistent with COVID-19 are flagged. People or goods are not permitted to come on or off the vessel until human health risks have been assessed by state or territory human biosecurity officers.

A key change is that written advice from the state or territory must be received following this assessment before the vessel can unload. This advice may include additional requirements to manage the risk of COVID-19. A new communication protocol also means that relevant authorities and agencies are made aware of vessels that may pose a COVID-19 risk. It removes any ambiguity between the NSW Health Expert Panel and DAWE or the "clumsy means" the report referred to.

Sent from my iPhone

s 22

From: s 22
Sent: Monday, 17 August 2020 4:14 PM
To: Ag Media; s 22
Cc: s 22 Hunter, Colin; s 22 Metcalfe, Andrew; s 22
 s 22 Daley, Gemma (HA)
Subject: RE: DEPT INQUIRY RESPONSE Due ASAP -: Ruby Princess: ABC News enquiry [SEC=OFFICIAL]

Hi team,

Our preference is for the department to provide the following:

- The Special Commission's report deals with serious matters. The findings need to be carefully considered and assessed, and the department is currently undertaking that process.

Thanks,

s 22

From: Ag Media <Media@agriculture.gov.au>
Sent: Monday, 17 August 2020 4:02 PM
To: s 22 agriculture.gov.au>s 22 agriculture.gov.au>
Cc: Ag Media <Media@agriculture.gov.au>; s 22 agriculture.gov.au>; Hunter, Colin
 <s 22 @agriculture.gov.au>; s 22 @agriculture.gov.au>; Metcalfe, Andrew
 <s 22 @agriculture.gov.au>; s 22 environment.gov.au>
Subject: DEPT INQUIRY RESPONSE Due ASAP -: Ruby Princess: ABC News enquiry [SEC=OFFICIAL]
Importance: High

Dear s 22

See below another inquiry response which we need to provide ASAP (next 15 minutes). Please let me know if you have any concerns before then. We are also still waiting for your approval on the points for 7.30 which we also need to provide ASAP.

- The Special Commission's report deals with serious matters. The findings need to be carefully considered and assessed, and the Commonwealth is currently undertaking that process.
- The department has a good working relationship with NSW Health in relation to the assessment and processing of international vessels at the Port of Sydney. The department and accepts that communications between NSW Health and the department can be improved.
- Weekly meetings comprising government border and maritime safety agencies, state and territory health services and port authorities are now in place.
- The department does not support the statement that it compromised its responsibility for human biosecurity arrangements at the Port of Sydney. The department relied on the medical advice from NSW Health, provided in the form of the risk assessment.

Thank you and happy to chat.

Best wishes

S

s 22

Senior Media Officer | Media

Agriculture & water inquiries: s 22

Environment inquiries: s 22

Department of Agriculture, Water and the Environment
Communication and Media Branch
Corporate and Business Division
John Gorton Building, Barton ACT 2600 Australia
GPO Box 858 Canberra ACT 2601 Australia

awe.gov.au

From: Lexi Metherell <s 47F [abc.net.au](mailto:lexi@abc.net.au)>**Sent:** Monday, 17 August 2020 2:43 PM**To:** Media <media@environment.gov.au>**Subject:** ABC News enquiry

Good afternoon,

I'm covering the NSW Premier's response to the special commission of inquiry into the Ruby Princess.

Just wondering if DAWE has a response to the Commission's recommendations?

We air at 5pm.

Kind regards,
Lexi

Reporter
AM, The World Today, PM
M | s 47F

s 22

From: s 22
Sent: Monday, 17 August 2020 4:04 PM
To: Ag Media; s 22
Cc: s 22 Daley, Gemma (HA); s 22
Subject: RE: DEPT MEDIA INQUIRY TO GO TO JOURNO AT 3.20pm: Ruby Princess - ABC 7.30 request [SEC=UNCLASSIFIED]

Thanks team – the below response is fine to provide. In future are we able to request all media inquiries to the department be sent up as received (just to give us a heads up)? Thanks, BC

s 22

From: Ag Media <Media@agriculture.gov.au>
Sent: Monday, 17 August 2020 3:33 PM
To: s 22 @agriculture.gov.au; s 22 agriculture.gov.au>
Cc: Ag Media <Media@agriculture.gov.au>; s 22 agriculture.gov.au>
Subject: FW: DEPT MEDIA INQUIRY TO GO TO JOURNO AT 3.20pm: Ruby Princess - ABC 7.30 request [SEC=UNCLASSIFIED]
Importance: High

Hi s 22

Just confirming we are ok to respond to Paul with the below?

Best wishes

S

s 22

Senior Media Officer | Media

Agriculture & water inquiries: s 22
 Environment inquiries: s 22

Department of Agriculture, Water and the Environment
 Communication and Media Branch
 Corporate and Business Division
 John Gorton Building, Barton ACT 2600 Australia
 GPO Box 858 Canberra ACT 2601 Australia

awe.gov.au

From: Ag Media
Sent: Monday, 17 August 2020 3:04 PM
To: s 22 agriculture.gov.au>; s 22 agriculture.gov.au>
Cc: s 22 @agriculture.gov.au>; Hunter, Colin <s 22 @agriculture.gov.au>; s 22 @agriculture.gov.au>; Metcalfe, Andrew <s 22 @agriculture.gov.au>; s 22 environment.gov.au>; s 22 agriculture.gov.au>; Ag Media <Media@agriculture.gov.au>
Subject: DEPT MEDIA INQUIRY TO GO TO JOURNO AT 3.20pm: Ruby Princess - ABC 7.30 request [SEC=UNCLASSIFIED]
Importance: High

Dear s 22

Please see below responses which we will be providing to ABC 7.30 at 3.320pm for their program on the Ruby Princess special commission findings tonight. Please let me know if you have any questions or concerns.

- **The special commission report found that there was poor communication between NSW Health and the Department of Agriculture, described as a “disturbing disconnectedness” between their respective biosecurity operations. Does the Department accept this finding?**
 - The department has a good working relationship with NSW Health in relation to the assessment and processing of international vessels at the Port of Sydney. The department and accepts that communications between NSW Health and the department can be improved.
- **What steps will be taken to resolve these communication failures?**
 - Weekly meetings comprising government border and maritime safety agencies, state and territory health services and port authorities are now in place.
- **The report also found that the department “had compromised its responsibility for human biosecurity arrangements.” it noted that “There were breaches of its own policies, which brought about a breach of DAWE’s MOU with the Commonwealth Department of Health. Moreover, DAWE did not inform NSW Health that it had ceased to perform its human biosecurity role”. Does the Department has a response to this assessment?**
 - The department does not support the statement that it compromised its responsibility for human biosecurity arrangements at the Port of Sydney. We relied on the medical advice from NSW Health, provided in the form of the risk assessment.
- **Has the Department identified any other instances outside of the Ruby Princess where such failures were evident?**
 - The department is constantly reviewing procedures in relation to biosecurity activities at the borders. Updated processes in relation to the checks conducted in accordance with Health protocols are now in place.
- **The Commonwealth has also faced scrutiny in the report for considering High Court action to challenge a Summons issued for an agriculture officer, actions which are described as the “fly in the ointment” of the commission’s processes. Why was it considered inappropriate for this officer to give evidence to the Commission?**
 - The Commonwealth cooperated closely with the Commission, including by providing comprehensive statements and responses to questions and requests for information.
 - The Commonwealth has a long-standing position that state royal commissions and commissions of inquiry cannot compel the Commonwealth or its officers.
- **Was the Secretary aware of this course of action, and did they approve it?**
 - Yes. The Secretary acted in accordance with the Commonwealth’s long-standing position on engagement with state commissions of inquiry.
- **Does the Department agree with the findings in the report that it was unhelpful and inappropriate for this course of action to be taken?**

- No. The department consistently and fully engaged with the Commission on a cooperative basis.
- It was understood and acknowledged by the Commission that the Commonwealth engagement was on the basis that while the Commonwealth was not subject to the jurisdiction of the Commission, the Commonwealth would voluntarily provide the Commission with all relevant information and documents.

Best wishes

S

s 22

Senior Media Officer | Media

Agriculture & water inquiries: s 22

Environment inquiries: s 22

Department of Agriculture, Water and the Environment
 Communication and Media Branch
 Corporate and Business Division
 John Gorton Building, Barton ACT 2600 Australia
 GPO Box 858 Canberra ACT 2601 Australia

awe.gov.au

From: Paul Farrell [[mailto:s 47F abc.net.au](mailto:s47F@abc.net.au)]
Sent: Monday, 17 August 2020 8:53 AM
To: Ag Media <Media@agriculture.gov.au>
Subject: ABC 7.30 request for response [SEC=UNCLASSIFIED]

Hello,

I hope you're well. 7.30 is working on a story for the program tonight about the Ruby Princess special commission findings. Could you please provide a response to the below written questions:

The special commission report found that there was poor communication between NSW Health and the Department of Agriculture, described as a "disturbing disconnectedness" between their respective biosecurity operations. Does the Department accept this finding?

What steps will be taken to resolve these communication failures?

The report also found that the department "had compromised its responsibility for human biosecurity arrangements." It noted that "There were breaches of its own policies, which brought about a breach of DAWE's MOU with the Commonwealth Department of Health. Moreover, DAWE did not inform NSW Health that it had ceased to perform its human biosecurity role". Does the Department have a response to this assessment?

Has the Department identified any other instances outside of the Ruby Princess where such failures were evident?

The Commonwealth has also faced scrutiny in the report for considering High Court action to challenge a Summons issued for an agriculture officer, actions which are described as the “fly in the ointment” of the commission’s processes. Why was it considered inappropriate for this officer to give evidence to the Commission?

Was the Secretary aware of this course of action, and did they approve it?

Does the Department agree with the findings in the report that it was unhelpful and inappropriate for this course of action to be taken?

Please provide a response by 3pm today.

Kind regards,

Paul Farrell

s 47F

s 47C, s 42, s37, s 22

