



Form 59  
Rule 29.02(1)

## AFFIDAVIT

FEDERAL COURT OF AUSTRALIA  
DISTRICT REGISTRY: NEW SOUTH WALES  
DIVISION: GENERAL

NO NSD 388 OF 2021

**GARY NEWMAN**

Applicant

**MINISTER FOR HEALTH AND AGED CARE**

Respondent

Affidavit of: Jonathon Charles Hutton

Address: Level 42, MLC Centre, 19 Martin Place, Sydney

Occupation: Lawyer

Date sworn or affirmed: 9 May 2021

I, Jonathon Charles Hutton of Level 42, MLC Centre, 19 Martin Place, Sydney in the State of New South Wales, Lawyer, affirm:

1. I am an AGS lawyer (within the meaning of s 551 of the *Judiciary Act 1903*) and I have carriage of this matter on behalf of the respondent.
2. On 9 May 2021, I visited the media section of the website of the Prime Minister of Australia at <https://www.pm.gov.au/media> and I downloaded three documents.
3. I downloaded a pdf version of a media release titled 'Resumption of Indian Repatriation Flights to Howard Springs' dated 7 May 2021.
4. Now produced and shown to me and marked "JCH-1" is a true copy of the pdf media release I downloaded which was titled 'Resumption of Indian Repatriation Flights to Howard Springs'.
5. I also downloaded a pdf version of a media statement titled 'National Cabinet Statement' dated 7 May 2021.
6. Now produced and shown to me and marked "JCH-2" is a true copy of the pdf media statement I downloaded which was titled 'National Cabinet Statement'.

Filed on behalf of the Respondent, the Minister for Health and Aged Care

Prepared by: Jonathon Hutton  
AGS lawyer within the meaning of s 551 of the *Judiciary Act 1903*

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JCH

File ref: 21003224

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7. I also downloaded a pdf version of a transcript titled 'Press Conference – Sydney, NSW' dated 7 May 2021.
8. Now produced and shown to me and marked "JCH-3" is a true copy of the pdf transcript I downloaded which was titled 'Press Conference – Sydney, NSW'

Affirmed by the deponent

at Sydney

in the State of New South Wales

on 9 May 2021

Before me:

Signature of witness:



Name of witness:

Elizabeth Warner Knight

Qualification of witness:

Solicitor

ANNEXURE JCH-1

FEDERAL COURT OF AUSTRALIA  
DISTRICT REGISTRY: NEW SOUTH WALES  
DIVISION: GENERAL

NO NSD 388 OF 2021

**GARY NEWMAN**

Applicant

**MINISTER FOR HEALTH AND AGED CARE**

Respondent

The following 3 pages is the annexure marked "JCH-1" referred to in the affidavit of Jonathon Charles Hutton made 9 May 2021 before me:

.....  
Signature

Elizabeth Warner Knight

.....  
Qualification

Filed on behalf of the Respondent, Minister for Health and  
Aged Care

File ref: 21003224

Prepared by: Jonathon Hutton  
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## **RESUMPTION OF INDIAN REPATRIATION FLIGHTS TO HOWARD SPRINGS**

### **MEDIA RELEASE**

*07 May 2021*

*Prime Minister, Northern Territory Chief Minister*

Government chartered repatriation flights to the Centre for National Resilience at Howard Springs for Australians returning from India will resume on May 15, after the completion of the current temporary ban on re-entry, the Morrison and Gunner Governments confirmed today.

Since the pause on flights from India commenced there has been a sustained reduction in COVID-19 positive cases originating from India in Australia's quarantine system.

The National Security Committee of Cabinet was advised yesterday that the pause was working and that this would allow the repatriation flights to resume after May 15.

The temporary ban will remain in place until that time, as intended.

The number of COVID-19 positive cases in the Howard Springs has fallen to 21, from more than 50 cases a week ago, and positive cases associated with previous facilitated flights from India are on track to reach zero by 14 May.

Repatriation flights into the Howard Springs will resume on May 15 with one flight per 7-9 days, with an estimated 1,000 Australians returning by the end of June. Vulnerable Australians will be prioritised on these flights.

An initial repatriation flight to Darwin will leave India on May 15. Two further repatriation flights to the Northern Territory from India will be scheduled during May.

Prime Minister Scott Morrison said the flight pause has given the quarantine system space to operate safely and to protect Australians from the COVID-19 pandemic, with the travel pause remaining in place until May 15 with no changes.

"The global COVID-19 pandemic continues to rage outside Australia's borders and the temporary pause on flights continues to give our quarantine facilities time to reduce infection rates and reduce the risk of COVID escaping into the community," the Prime Minister said.

"Closing our international borders and the use of quarantine for returning Australians has protected the health of all Australians during the pandemic and given us a way of life that is the envy of the world.

"I have written to state and territory leaders to invite their participation in receiving direct repatriation flights from India over the coming weeks to further assist the efforts in Howard Springs.

"I want to thank the Gunner Government, NT Health and our AUSMAT teams for continuing to provide safe and effective quarantine facilities at Howard Springs that is the best facility in the world."

New measures will be in place for all resuming flights from India into the Northern Territory, which will require passengers to return both a negative COVID-19 Polymerase Chain Reaction (PCR) test and a negative Rapid Antigen test before boarding.

Northern Territory Chief Minister Michael Gunner said these measures ensure the Commonwealth and Territory Governments can continue to get Australians home from India safely, while ensuring the case load at Howard Springs remains manageable.

"The Territory always stands ready to help our fellow Australians and we were there to help those first Aussies home from Wuhan at the start of this pandemic," Chief Minister Gunner said.

"There is a humanitarian crisis in India and we have the gold standard facility with the health care heroes the country needs at our Centre for National Resilience to help get Australians home safely.

"We are pleased with the drop in the active COVID-19 case load we have seen at Howard Springs since the temporary pause on re-entry from India, and our clinical advice is that it is now safe to resume flights."

Commonwealth and Northern Territory health experts will assess the effectiveness of new pre-flight testing and isolation measures on infectivity rates in returning Australians on these May repatriation flights from India.

While Howard Springs has managed the current COVID-19 peak without a single breach, it was important to reduce the high rate of incoming active cases during the second half of April to avoid putting pressure on the facility and NT Health systems.

As a close friend and comprehensive strategic partner, Australia stands with India as it battles a surge in COVID-19 cases. More than 20,000 Australians have returned home on repatriation flights since the beginning of the pandemic. The Commonwealth and Territory governments are committed to continuing to get Australians home safely.

The Commonwealth Government's Biosecurity Act 2015 Determination has been effective in stemming the flow of positive cases into Australia to ensure the safety of Australia's quarantine system. The Determination was designed to be a temporary measure and the medical advice provided to the Minister for Health is that it will be safe to remove the Determination on 15 May.

The current ban on direct commercial passenger flights between India and Australia remains in place and will be reviewed shortly.

Restrictions on travel exemptions for Australians seeking to travel to India will continue.

PRIME MINISTER OF AUSTRALIA  
**The Hon Scott Morrison MP**

ANNEXURE JCH-2

FEDERAL COURT OF AUSTRALIA  
DISTRICT REGISTRY: NEW SOUTH WALES  
DIVISION: GENERAL

NO NSD 388 OF 2021

GARY NEWMAN

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MINISTER FOR HEALTH AND AGED CARE

Respondent

The following 3 pages is the annexure marked "JCH-2" referred to in the affidavit of Jonathon Charles Hutton made 9 May 2021 before me:

.....  
Signature

Elizabeth Warren Knight

.....  
Qualification

Solicitor

Filed on behalf of the Respondent, Minister for Health and  
Aged Care

File ref: 21003224

Prepared by: Jonathon Hutton  
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## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 10/05/2021 8:37:29 AM AEST and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

### Details of Filing

Document Lodged: Affidavit - Form 59 - Rule 29.02(1)  
File Number: NSD388/2021  
File Title: GARY NEWMAN v MINISTER FOR HEALTH AND AGED CARE  
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink that reads "Sia Lagoos".

Dated: 10/05/2021 8:37:34 AM AEST

Registrar

### Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.

**NATIONAL CABINET STATEMENT**

**MEDIA STATEMENT**

*07 May 2021  
Prime Minister*

The National Cabinet met today to discuss Australia's COVID-19 response and changes to the Australian COVID-19 Vaccine Strategy.

National Cabinet continues to work together to address issues and find solutions for the health and economic consequences of COVID-19.

There have been 29,897 confirmed cases in Australia and, sadly, 910 people have died. More than 17.1 million tests have been undertaken in Australia.

Globally there have been over 155.6 million cases and sadly over 3.2 million deaths, with around 842,000 new cases and more than 13,000 deaths reported in the last 24 hours. The COVID-19 pandemic continues to surge in many countries around the world. Sadly in India there were more than 400,000 confirmed cases in the previous 24 hours.

Australia's COVID-19 vaccine roll out continues to expand. To date 2,554,531 doses of COVID-19 vaccines have been administered in Australia, including 81,000 in the previous 24 hours. Around 10 per cent of the Australian adult population have now had a first dose of a COVID-19 vaccine, including over 30 per cent of over 70 year olds.

The number of administration sites has expanded, with more than 5,000 general practices, general practice vaccination centres, Aboriginal health services and state clinics now administering COVID-19 vaccinations.

Today, National Cabinet received a briefing from Professor Brendan Murphy, Chair of the Science and Industry Technical Advisory Group, and the Commonwealth Chief Medical Officer, Professor Paul Kelly on the vaccination program and current status of the outbreak in India.

National Cabinet agreed the imperative to work together to administer COVID-19 vaccinations to Australians as quickly as possible.

National Cabinet will return to monthly meetings. The next meeting of National Cabinet will be on Friday 4 June 2021.

**Recommencement Of Facilitated Commercial Flights**

National Cabinet noted that since the temporary pause on flights from India commenced there has been a sustained reduction in COVID-19 positive cases originating from India in Australia's quarantine system. The number of COVID-19 positive cases in the National Centre for Resilience at Howard Springs has fallen to 21, from more than 50 cases a week ago. Positive cases associated with previous facilitated flights from India are on track to reach zero by 14 May.

National Cabinet thanked the Indian Australian community in Australia and in India for their support and understanding during the temporary pause in passenger flights between Australia and India.

National Cabinet noted the advice that the Biosecurity Act 2015 Determination has been effective in stemming the flow of positive cases into Australia to ensure the safety of Australia's quarantine system. The Determination was designed to be a temporary measure and the medical advice provided to the Minister for Health is that it will be safe to allow it to expire as planned on 15 May.

National Cabinet noted the agreement between the Commonwealth and the Northern Territory Government that facilitated commercial flights into the National Resilience Centre at Howard Springs will resume on May 15 with one flight per 7-9 days, with an estimated 1,000 Australians expected to return under these arrangements by the end of June. Vulnerable Australians will be prioritised on these flights. Passengers on flights will require mandatory PCR and Rapid Antigen Tests (RAT).

National Cabinet noted the New South Wales, Victorian and Queensland Governments' offer to accept further facilitated flights from India in May, with mandatory PCR and RAT in place and within existing quarantine capacity. South Australia will consider the arrangements over the next two weeks.

Post 15 May, transit points into Australia will be monitored carefully to ensure that positive case numbers remain within manageable levels. In particular the Commonwealth Government will work with the Sri Lankan Government to monitor the situation in Sri Lanka and whether further measures including RAT may need to be put in place to address transit point risks.

The current pause on direct commercial passenger flights between India and Australia remains in place and will be reviewed by the Commonwealth Government next week.

The Commonwealth will also consider tightening Australian Border Force (ABF) outbound travel restrictions for Australians travelling overseas and continue the restrictions in place in respect of applications for travel to high risk countries. National Cabinet agreed to vaccinate essential outbound Australian travellers with ABF travel exemptions approvals. This includes only people travelling in response to the COVID-19 outbreak including in the Pacific; urgent medical treatment; national interest; critical industries and business; compassionate and compelling grounds; urgent and unavoidable personal business.

# **Passenger Caps**

National Cabinet noted that future agreements on capped flights between jurisdictions and the Commonwealth will be discussed bilaterally.

PRIME MINISTER OF AUSTRALIA  
**The Hon Scott Morrison MP**

**ANNEXURE JCH-3**

**FEDERAL COURT OF AUSTRALIA  
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**NO NSD 388 OF 2021**

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**MINISTER FOR HEALTH AND AGED CARE**

Respondent

The following 8 pages is the annexure marked "JCH-3" referred to in the affidavit of Jonathon Charles Hutton made 9 May 2021 before me:

.....  
*Ernest*  
Signature *Elizabeth Warner Kinnar*

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*Solicitor*  
Qualification

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Filed on behalf of the Respondent, Minister for Health and  
Aged Care

File ref: 21003224

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**PRESS CONFERENCE - SYDNEY, NSW*****TRANSCRIPT****07 May 2021**Sydney, NSW**Prime Minister**E&OE*

**PRIME MINISTER:** Good afternoon, everyone. Earlier today I convened the National Cabinet meeting while I was at Williamtown and I was joined by Professor Kelly, Chief Medical Officer. The National Cabinet has been meeting more regularly over the last month or so to address particularly the issues relating to the rollout of the vaccination program. And it was another very useful meeting today as we received updates, not only on the vaccination program, which Professor Kelly will speak more to, but also in addressing the very serious issues regarding the terrible pandemic breakout in India. I was able to advise, as I indicated earlier in my remarks in Williamtown, that of the National Security Committee decision taken yesterday afternoon, where we noted that the biosecurity order and the pause was successfully reducing the caseload and risk regarding the arrival of persons from India. That the biosecurity order would remain in place, with no change, until its intended completion date of May 15. That the repatriation flights, the facilitated commercial flights we been running for a considerable period of time, that assisted some 19,000, just around 20,000 in fact, people who returned from India already, they would resume on the 15th of May. That first flight is scheduled to leave India on the 15th of May. There will be three flights coming in this month into Darwin. That will be supported by the national resilience centre at Howard Springs in Darwin. That is the facility that was recommended to be established by Jane Halton's review into the quarantine system across the country. That now will have a capacity this month of 2,000 persons, up from 850, and that facility has been supported by the Commonwealth Government to the tune of around half a billion dollars.

I advised that while the pause in direct flights from India would be further reviewed next week, it was likely the Commonwealth Government would not be resuming direct commercial flights from India, and instead invited states and territories to participate in receiving additional repatriation flights, facilitated commercial flights, into their states. And I was very pleased to have the initial response straightaway from New South Wales as well as Victoria and Queensland, who indicated they would be responding positively to that invitation. South Australia is also considering it very favourably. They have a flight which is due to come in from Malaysia on the 15th of May, I believe it is.

We anticipate there will be people onboard that flight who will have already been in Malaysia for a period of a week or two perhaps, and they want to just carefully assess the infection rates that are coming from that flight. But I want to thank South Australia for their consideration. Western Australia will be considering. Of course, into Tasmania, there is not the opportunity for that nor in the ACT.

So I want to thank particularly New South Wales, that previously had been receiving commercial flights, direct commercial flights from India, for their very quick response, together with Victoria and Queensland. So that's double the amount of repatriation and facilitated commercial flights we will see this month from three to what we anticipate six but those details will be confirmed with those states and territories and those arrangements as we work together on that over the course of the next week. Those charter flights will, of course, be focused on bringing those Australian citizens, residents and families who have been registered with our High Commission and consular offices within India. And it will also be targeted on those 900 most vulnerable of the group. I have asked DFAT to do a review of those registrations of all of those who have been registered in India to ensure they are current and that will assist a proper prioritisation of placing people on those flights. The charters will be undertaken by Australian crews, and they will require rapid antigen testing prior to departure. By arranging these returns to Australia, through what is the most secure channel we can provide for, that will mitigate the risk of potentially higher rates of infections presenting on arrival in Australia and ensure the quarantine system will be able to receive continued repatriation flights in the weeks and months ahead.

Sensitive third country transit points will also be monitored very closely after the 15th of May for the infection rates of those arriving from those transit points. The arrivals and potential actions that we will undertake to mitigate the risk is particularly in Colombo. We will be working closely with the Sri Lankan government and the airlines in Sri Lanka to ensure that we are seeking to put in place rapid testing before uplift on any of those flights into Australia. So we will be working closely with them. I spoke with the Foreign Minister last night and she has already started that process through DFAT to engage with the Sri Lankan government and with the airlines to ensure we can support those flights continuing to come to Australia. I would also note we will be monitoring the flights coming in from other transit points, although in most other cases we are not anticipating, at least our advice is presently, to see significant volumes coming through those other channels.

All of this is about sensibly preventing a third wave of COVID-19 here in Australia, doing that responsibly while at the same time doing everything we can to sustainably bring Australians home from what is currently its most significant hot spot for those travelling into Australia of anywhere in the world right now. The biosecurity order is doing its job. It is doing what we intended it to do. It will run for the term we intended for it to run, and then that will be

replaced by arrangements made beyond that point to ensure we can prevent the third wave. I want to thank, in particular, in Australia our Australian community of people who are of Indian descent, the Indian community here in Australia. I thank them for their patience. I want to thank them for the understanding. I want to thank them for the opportunity that we have had over the course of the last week and longer to be able to convey directly to them, to explain the decisions the Government has been taking, and I know there will be welcoming the fact that these repatriation flights will be returning once again. But also that we believe we will be able to do that because of the actions we have taken on a sustainable basis. I know also from the Foreign Minister's engagement with her counterpart in India in London in the last 24 hours, that Australia's support for India at this time is greatly appreciated. And there was a very positive meeting held between Foreign Minister Jaishankar and Foreign Minister Payne while they were both there for the G7 meetings in London. And in addition to that I will be speaking to Prime Minister Modi later today, and I know the support that has already been provided to India directly, whether it is in oxygen concentrator or respirators or PPE equipment, all of these things is being positively received and we intend to provide as much further assistance as we possibly can and I look forward to discussing that with Prime Minister Modi this afternoon.

On the vaccination program, I will leave that largely to Professor Kelly to speak of. But I will just note a couple of encouraging points there. Some 2.5 million doses have now been delivered. Over 80,000 yesterday, more than 10 per cent now of the population aged over 16 has received their first dose, and that's very welcome. We are also making very positive progress with those Australians aged over 70. As you know, on Monday week, GPs will also be involved in vaccinating those over the age of 50 through their clinics. GPs are now accounting for well over half of the vaccinations done in Australia. Our GPs are doing an absolute Herculean job, not just in administering the vaccine, but I think sitting down with Australians, talking them through the vaccine, giving them the reassurance and comfort they need in taking that vaccination. I want to thank all of our GPs, and particularly want to thank, as we know, there are so many GPs out there of Indian heritage, they are doing a fantastic job. People of Indian descent make up a significant proportion of our health community, of our health workforce. Whether it is doctors and GPs or across the health system and our aged care system. I particularly want to thank them once again for their concern of what is happening in their home country originally, and the devastation we are seeing there, here they are in Australia, doing a magnificent job as Australians. National Cabinet has been meeting regularly, particularly to address the vaccination rollout. We agreed today that having stabilised the rollout, we will move now back to our regular cycle of meetings, which is on a monthly basis, and we will do that and can be more regularly as required. Paul?

**PROFESSOR PAUL KELLY, CHIEF MEDICAL OFFICER:** Thank you, Prime Minister. So first, the good news in Australia again, another zero day, no deaths and no community cases And that includes here where we are in Sydney where

there is still that mystery about the two cases that have been reported over the last couple of days, the man and his wife, and there has been plenty of discussion about that. I have full confidence in the disease detectives in New South Wales Health, who have always been the leaders in chasing down these chains of transmission and working out what has indeed happened there. But certainly, important that anyone in Sydney right now who has been asked to get a test, please get a test. If you have been asked to isolate, please do that. If you have even the mildest of symptoms, wherever you are in Australia, but particularly in Sydney over the coming days, do get tested, because that is the way we will find out how this has occurred.

The vaccines, I think, PM, you have touched all of the headlines, but it is important to note that milestone, 2.5 million. It is continuing to go ahead, it is continuing to accelerate, the numbers every day are increasing. Yesterday, over 81,000 doses were given, including over 50,000 in general practices, GP respiratory clinics and the Aboriginal community controlled sector. That key group, the two key groups, if we think about in terms of vulnerability, that we really want to get high amounts of doses and high coverage. The over 70s, now over 30 per cent have had their first dose. So, please, if you are in that age group, make that booking, go to your GP if you have concerns about the vaccine, talk to them about it. But please, the benefit of the vaccine absolutely outweighs any risk, and it is really important, particularly as we have seen with the case in Sydney. This is the time to get that vaccination to protect yourself. In terms of aged care facilities, residents, that is also going extremely well. By the end of the month, the first doses will have been given to every single aged care resident. That is our aim and we are going very well to complete that particular matter.

In terms of how we are going with the issue with India and Australians returning, the PM has mentioned that. I absolutely stand by the advice I gave to the Health Minister this time last week in relation to that. With the data we had in terms of the increasing cases coming from India, where they have had over 2 million cases in the past week and the week leading up to that and this weekend again with thousands of deaths. That contrast between their experience and our experience, and I joined the PM in my heart going out to people in India and those with loved ones in India. But we had to take that into account to protect Australia, using the data we had last week, and it's working. We have seen cases, for example, in Howard Springs decrease from 50 to 21 during that period. That real pressure that was happening in terms of positive cases in our Howard Springs facility has been relieved and will allow us in the coming weeks after the biosecurity determination sunsets on the 15th of May to increase those flights into Howard Springs and bring our Australians home. I'll leave it there.

**PRIME MINISTER:** Thanks very much, Paul.

**JOURNALIST:** Prime Minister, how quickly do you expect those 900 vulnerable Australians will be repatriated?

**PRIME MINISTER:** We will work through the details of the manifests for those people who will be able to board on those what I believe will be six flights this month. There will certainly three flights that the Commonwealth has been directly involved in, and that involves those flights into Howard Springs. That is why I am very appreciative of the very quick response we had from the states and territories to also take, I expect, what will be at least three flights there. So these are flights of around about 150 people, and so whether that will be all, because you have family members, I need to stress, of vulnerable persons as well, and it's not our practice to splitting up families as they're being repatriated back. So those prioritisations will be undertaken by our High Commission and consular officers there. But you don't get 20,000 people back overnight, that has taken us some time to achieve that. And in the same way we have been able to return some 11,000 people back from the UK, that has taken time to work through the processes we have there. And so by making available more of these flights, doing it within the capacity of our system, we have been doing it safely to prevent a third wave here in Australia. But we are doing it sustainably as well. I think people want to know that those flights are still going to be there a month from now, two months from now, and that they can make those arrangements. And that is why we are working hard to ensure we do it in a sustainable way and safe way.

**JOURNALIST:** Given Australians who have COVID-19 cannot be repatriated, are you comfortable leaving some of those vulnerable people in India?

**PRIME MINISTER:** Australia is not alone in that requirement that we don't uplift passengers coming into our country who are infected with COVID. That is a clear port of entry requirement. And will be holding the line on that just as we are holding the line when it comes to the biosecurity determination which was put in place rightly and will run until the 15th of May with no changes. So that is what our High Commissioner and consulate team do every single day of the week, all the time, not just during COVID, but any given time. And where there is support that is needed to assist with medevac and private insurance arrangements and other arrangements, our consulate team will do what they do every day, providing as much support to Australians in a distressing situation as they possibly can. I stress also there is the hardship fund we put in place last year, some \$30 million of that fund, in fact a bit more than that, has already been disbursed, not just to people who are affected in India but many parts of the world and have found themselves in a position of stress and distress in terms of being able to return to Australia.

**JOURNALIST:** You've spoken obviously about the extra measures the Federal Government is taking when it comes to quarantine. Did any view the state and territory leaders express a desire for the Commonwealth to take a more active role when it comes to quarantine, and what was their general mood around the India travel ban as well?

**PRIME MINISTER:** It was supported, as I flagged with them last Friday at National Cabinet. I indicated I intended to make recommendations and discuss with the Health Minister. It was ultimately a decision for the Health Minister based on health advice about taking potentially further action under the Biosecurity Act. That was followed through last Friday and it was certainly understood and that has been supported over the course of this week, and again today has been an appropriate measure. There are obviously measures for the Commonwealth and measures that are undertaken by the states and territories and they respect that is the Commonwealth's position, a position they know that has put them in a much stronger place today. They had great concerns about the alarming rise in cases being presented on arrival in Australia and they rightly expected the Commonwealth to take some action to prevent that, which we have done and that has been appreciated. On the broader issue of quarantine capacity, no, it wasn't a topic of discussion today. As you know, there is a proposal for Victoria which I have indicated in numerous press conferences this week in various parts of the country that is something we are closely considering. I think it is a comprehensive proposal that recognises that state and territory governments would be running such facilities, having the workforce and medical capabilities to do that. But we will assess that, and once we have concluded our assessment, we will work something together, with the Victorian government, and we will make our view known.

**JOURNALIST:** Would you consider another federally run quarantine facility?

**PRIME MINISTER:** That is not a recommendation at the moment. It was recommended we established one by the Jane Halton review and we did. A capacity of 2,000 people, up in the Northern Territory, originally established by AUSMAT and now in the process of transferring its operations to the Northern Territory government. I had the opportunity to be there last week. It is an incredibly well run facility with a 100 per cent success rate. But when you move around the rest of the country, they have a 99.99 per cent success rate in quarantine facilities, and that is an enviable position for any country in the world. I note from time to time when there are outbreaks, that can cause real concern in the community and I understand. But let's not forget those breaches are a rarity in Australia compared to what we see overseas. And let's not forget, as Professor Kelly was just remarking, it's not just if there is a breach. It's about your other rings of containment that prevent an outbreak. And that is done, in particular, through the testing and contact tracing which, particularly in New South Wales they have taken to an elite level, as I would say also in Queensland and Western Australia has proved similarly up to the task in recent times in tracking and tracing what had to be done. So it is a series of measures that protects the country from an outbreak. And quarantine is one element of that. The border closures are another element of that. Tracing and testing regimes I think are also incredibly important, as well as the many other registration processes to support them. So here in New South Wales the Premier I know has a ready noted, that we do need to see those registrations using the QR

codes get back to their match fit levels that we haven't seen in a long time. And I think what we've seen both in Western Australia in New South Wales recently, they are on it, they have got it, as they have on so many occasions, but they obviously require continued operation of the population and they've been getting it on every occasion. I'm very thankful to Australians for their patience and calm cooperation when these events occur.

**JOURNALIST:** Is it sustainable to continue this level of hotel quarantine for, say, the next 18 months, as your ministers have indicated today that that may be when international travel is still closed for?

**PRIME MINISTER:** Well, so far it's proved to be enormously successful. And that's been over one of the most intense periods of demand and stress on the system. And, so we'll continue to assess these as time goes by. I mean, a year ago, when we first put these arrangements in place, remembering National Cabinet agreed, premiers, chief ministers agreed, that the best way to do this was through state public health orders. So they are administering and enforcing their own public health orders, put in place at a state and territory level. We established the National Resilience Facility, with a capacity now of 2,000. And if there is further actions that we need to take then, then we're certainly considering those. But the suggestion that defence facilities can be used and immigration facilities, they have all been assessed before and they have been ruled out as inappropriate. Those facilities are not available to be used. They're not there just sitting idle and otherwise could be being used for that purpose. That is not the case. And so if there were other purpose built facilities that would be necessary, then that would be something the Commonwealth would consider. But we'd need to do that comprehensively, and in a very

detailed way. That's why I welcome the proposal from Victoria, it is a comprehensive proposal. It is detailed. It does give us something, I think, to consider very carefully.

**JOURNALIST:** Dr Kelly, could we, have you got an indication of the situation in New South Wales, an update for us, on the latest COVID case, and have you heard anything about a potential case in Manly?

**PROFESSOR PAUL KELLY, CHIEF MEDICAL OFFICER:** So I don't have any details on that. But all I know there was no new cases when the AHPPC met just a few minutes ago, that were reported at that time. But of course they'll continuing to do a lot of testing and people are coming forward to be tested, which is fantastic. And the more that we see, the chances are we may see some more cases and we certainly need to make that, work out that chain from the person we know arrived on the 24th of April, to our, the Sydneysider and his wife that have become positive without an obvious link there. But clearly it's the same, it's the same virus.

**PRIME MINISTER:** Thank you all very much. Sorry. Last one.

**JOURNALIST:** Oh sorry. What can you tell us about this concern about the Marrickville sewage detection? I believe it's higher levels than what we've seen previously.

**PROFESSOR PAUL KELLY, CHIEF MEDICAL OFFICER:** Yeah, so the wastewater testing that's done in NSW is very reliable and has previously shown when there has been cases. You do need to remember that it's very, very sensitive. So someone who's returned from overseas, for example, has been in hotel quarantine, positive, but no longer infectious, can still lead to a positive in that wastewater testing. So they'll continue to monitor that, as they've been doing for many months.

**PRIME MINISTER:** Thank you all very much. Thank you.

PRIME MINISTER OF AUSTRALIA

The Hon Scott Morrison MP