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5 August – Letter to QLD Department of Premier and Cabinet



Australian Government
Department of Foreign Affairs and Trade

Deputy Secretary

Telephone: 02 62611459

5 August 2020

Mr Dave Stewart
Director-General
Department of the Premier and Cabinet
1 William Street Brisbane
PO Box 15185, City East
Queensland, 4002, Australia

Dear Mr Stewart

Re: ODG/MP-TF/20/17800-DOC/20/157131

Thank you for your discussion with Tony Sheehan, Deputy Secretary, on 3 August and your subsequent letter on 4 August concerning the return of an individual to Australia who worked for a company providing security services to the Australian Embassy in Kabul, Afghanistan, and is not a diplomat or consular official.

In this instance, we have worked to understand the circumstances whereby this individual applied to New South Wales and Queensland authorities seeking an exemption from government-arranged hotel quarantine and travel from New South Wales to Queensland.

Attached is a briefing note summarising our understanding of this incident,
s47E(d) & s47F(1)

Should you wish, DFAT is also happy to discuss these issues further with your staff. Daniel Sloper, our Chief People Officer, is the contact point on Daniel.Sloper@dfat.gov.au and (02) 6261 3176.

Yours sincerely
s22(1)(a)(ii)

Penny Williams PSM

Summary Briefing Note

Security contractor access to exemptions from government-arranged quarantine

Context

The individual concerned is not a diplomat or consular official. He works for a private company providing security services to the Australian Embassy in Kabul.

Security contractors for the Australian Embassy in Kabul are issued a diplomatic passport to allow for entry and exit from Afghanistan, but they are required to travel on a personal passport when coming into Australia.

Security contractors for the Australian Embassy in Kabul are also issued letters by the Australian Embassy to facilitate travel in certain limited countries. These letters do not refer to or grant any exemption from Australian Government quarantine. ^{s47F(1)}

^{s47E(c) & s47E(d)}

Summary of events

^{s47F(1)}

The individual departed Kabul on 26 July 2020, arrived in Sydney on 27 July ^{s47F(1)}

^{s47E(d) & s47F(1)}

s47E(d)

s47F(1)

DFAT was not aware that the individual had sought or been granted an exemption to travel by air from Sydney to Queensland, or to quarantine privately in Queensland.

s47F(1)

Next steps

DFAT has met with the company involved to clarify how these events occurred and the company has agreed to a range of measures to avoid any repeat of this situation with its contractors.

The Commonwealth Department of Health has already contacted State and Territory operational colleagues to reiterate that state and territory jurisdictions should not process any class exemption requests directly received at jurisdiction level.

Separately, DFAT has instructed all staff and dependants returning to Australia to seek departmental approval before seeking a class exemption from government-arranged hotel quarantine. DFAT does not support requests for onward domestic flights where staff are returning from overseas.

DFAT will work with other Commonwealth agencies and through them state and territory governments to ensure the consideration of applications for exemptions follow current s47E(d) guidelines.

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Key Developments

- **DFAT is committed to protecting the Australian community from COVID-19.**
- **An AEGIS employee contracted to work at Kabul Post returned to Australia** s47F(1)
- s47E(d) & s47F(1)
- s47E(c) & s47E(d)
- **DFAT and the NIR were not aware that the individual had sought or been granted an exemption to travel by air from Sydney to Queensland, or to quarantine privately in Queensland.**
- s47E(d) & s47F(1)
- s47E(d)
- **DFAT has met with AEGIS management to clarify how these events occurred and to avoid any repeat of this situation with their contractors.**
- **The Department will send messaging to all staff outlining our position on these issues for staff and contractors.**
- **In response to this situation, we will look to further strengthen our internal guidelines and processes to ensure that we engage with Commonwealth/State/Territory authorities to provide assurance that any applications are supported by DFAT.**

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Contractor actions

- s47E(d) & s47F(1)
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- He does hold a diplomatic/official passport (contractors in Afghanistan are provided these for use in country), but travelled to Australia on his personal passport as he is required to do.
- On 2 July 2020, Kabul post issued an essential travel letter to the contractor to support his departure from Australia to return to Post only. This letter did not seek or support exemption in any form.
- AEGIS has advised a range of measures to prevent any recurrence and has instigated its own internal investigation into the incident.

QLD Government Response

- The Queensland Premier is calling for a closure of loopholes granting exemptions.
- Queensland Health have stated publicly that he presented a diplomatic passport and letter from DFAT saying he was travelling on essential government business.

- s47E(d) & s47F(1)
- DFAT spoke with the head of the Queensland Premier's Department on 3 August to make clear our position that we expect all DFAT staff to meet Government quarantine requirements, that the individual was not a diplomatic or consular official, and that we do not support contractors seeking exemption from government operated mandatory quarantine.
- ABC have reported the Queensland Premier has now referred the matter to the Queensland Police for investigation.

s47E(c) & s47E(d)

Prepared by: PDCU	Cleared by: AS PDCU	Date cleared: 05 Aug 2020
Consultation: DOH		

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4 August – AEGIS GardaWorld Contractor access to quarantine exemption:

Background Brief [REDACTED]

s47E(d)

Situation

An AEGIS contractor from the Australian Embassy in Kabul returned to Australia on 27 July, s47F(1)

He departed post on 26 July s47F(1)

s47E(d) & s47F(1)

s47F(1)

Contractor actions

s47E(d) & s47F(1)

Queensland Government

The Queensland Premier is calling for a closure of loopholes granting exemptions.

s47E(d)

Queensland Health have stated publicly that he presented a diplomatic passport and letter from DFAT saying he was travelling on essential government business.

We have not yet located a copy of this letter. It could be either a letter issued by the Embassy in Kabul to facilitate departure, which states clearly he is a contractor, or a letter issued by DFAT prior to departure from Australia to facilitate departure. Copies of the templates are attached.

DFAT actions

DFAT did not, at any point, support any quarantine exemption application for the individual and was unaware it had been sought or granted.

Tony Sheehan, Deputy Secretary, spoke with the head of the Premier's Department on 3 August to make clear our position that we expect all DFAT staff to meet Government quarantine requirements, that the individual was not a diplomatic or consular official, and that we do not *support contractors seeking exemption from government operated mandatory quarantine*.

DFAT has met with AEGIS management to discuss seriousness of the situation and have agreed to a range of measures to avoid any repeat of this situation with their contractors.

The Department is advising all posts again of the requirement that all staff and dependants meet quarantine requirements, that contractors are not exempt and that any requests for exemption must be approved by the department before proceeding.

s47E(d)

s47E(d)

Timeline of Events

1. s47E(d)
2. s47E(d)
3. s47E(d)
4. s47E(d)
5. s47F(1)
6. 26 July 2020 – Kabul Post sought advice from PPD COVID unit on whether AEGIS contractors would be eligible for the exemption as they travel on diplomatic and official passport.
7. 26 July 2020 – AEGIS contractor departed Post (Kabul) on 26 July s47F(1)
8. 27 July 2020 – AEGIS contractor arrived in Sydney via Qatar s47F(1)
9. 28 July 2020 - PPD COVID unit advised Post AEGIS that the AEGIS security guards are contractors and therefore do not come within the definitions required for the class exemption from government operated quarantine facilities. Kabul Post advised AEGIS that their staff are not eligible to seek an exemption through the Whole of Government Class exemption Policy.
10. s47F(1)
11. s47E(d) & s47F(1)

12. s47E(d) & s47F(1)

13. s47F(1)

14. s47E(d) & s47F(1)

15. 02 August 2020 – In response to a DFAT MLS media alert, DFAT DLO at National Incident Room Department of Health contacted PPD COVID-19 Unit to see if DFAT received any notification requests or other supporting documentation in relation to the AEGIS contractor. DFAT (PPD COVID Unit – s22(1)(a)(iii)) confirmed DFAT did not have any oversight or visibility of this request. s47E(d)

16. s47F(1)

s47F(1)

17. 3 August 2020- DSD confirmed with Post (Kabul) of the actions to be taken to by the contracted company (Gardaworld) of the employee (Monday 3 August). Post has met with AEGIS management to discuss seriousness of the situation and have agreed to a range of measures to avoid any repeat of this situation with their contractors. DFAT has also reiterated the policy with relevant posts.

18. 3 August 2020- Queensland Government Premier Anastacia Palaszczuk's issued statement at press conference and on via Twitter s47F(1)
that QLD will seek to raise the government quarantine exemptions with National Cabinet this week noting it is important

19. 3 August 2020- Post discussed the matter with AEGIS management, who indicated it was conducting an investigation into the matter.

20. 3 August 2020- AEGIS management advised Post on the actions it would take as a result of this incident, including to reinforce the direction that employment at the Embassy and diplomatic passports not be used to claim any exemption from quarantine requirements. s47E(d)

Specifically, it advised:

3 August 2020 NLT 1800hrs:

- The PMT will brief all in-country AEK consultants, that no personal requests are to be made seeking exemptions from the mandated quarantine until earliest, 17 August. During these two weeks, AEGIS will work in consultation with DFAT to produce generically worded criteria for contractors, when seeking personal exemptions for the mandated quarantine.

Working/ongoing

- A declaration form/memo will be produced, educating all AEK consultants on the direction provided by DFAT concerning exemptions and Diplomatic Passports. All contractors will sign the declaration during their induction onto the project, and upon receipt of all flights. AEGIS will work in consultation with DFAT to ensure the wording is accurate and satisfactory per the Department's requirements.
- AEGIS (AEK) requests for personal exemptions will be provided to Post, and
- AEGIS (AEK) requests for exemption will be articulated in the AEK Project Managers weekly SITREP.

03rd August AEST 1100hrs:

- Email from Director, Operation Support, Aegis advises DSD/Canberra:
 - all Aegis contractors were briefed on 23 June that exemptions from mandated state quarantine were only to be sought for personal circumstances; and that
 - DFAT's exemption for consular staff was not being extended to Aegis contractors.

03rd August AEST 2200hrs:

- Email from Director, Operation Support, Aegis advises DSD/Canberra:
 - Aegis has started the process of carrying out an incident investigation to determine/confirm circumstances, identify causation and contributing factors, failures in process or breaches in contract or standards;
 - This investigation will be used to determine the appropriate actions required, s47E(c)

21. 4 August 2020 – QLD Health stated the individual was carrying an 'essential Australian Government business' letter issued by DFAT. DFAT confirms letter was issued by Post for the purpose of departure from Australia to return to Post. The letter clearly states this is to facilitate his transit through third countries to and from Afghanistan and makes no reference to Australia. It does not mention quarantine exemptions, nor was it issued to him for that purpose. s47E(d)

22. 4 August 2020 – QLD Health also stated the individual held a diplomatic passport and provided his passport number. His diplomatic passport is only for the purpose of travel directly in and out of Afghanistan for employment at the Australian Embassy Kabul. DFAT has confirmed that he used his personal passport for travel via Qatar and into Sydney, as is required.

**MEDIA TALKING
POINTS
DISTRIBUTION:
STANDARD**

Topic: PERSONNEL

Originating Division: CMD

Subject: Inappropriate Access to Quarantine Exemption by Contractor

Version Date: 4/8/2020

Reason for Update: New TPs in response to media interest

Version: 1

Expiry: 4/11/2020

Talking Points

- Reports that a “consular” officer has tested positive for COVID-19 in Queensland are not correct.
- The individual concerned is a private security contractor. He is not an Australian diplomatic or consular staff member.
 - He is also not a diplomatic or consular staff member of a foreign Government.
- DFAT did not support this exemption application and was unaware it had been sought or granted.
- DFAT is committed to the safety of the Australian community. It does not support its diplomatic and consular staff returning from overseas using domestic commercial flights to get to quarantine accommodation under any circumstances.
- We also expect all contracted companies and their staff to meet Australian Government requirements and have reiterated that again to the company involved.
- DFAT will contribute to national processes with Commonwealth and State and Territory agencies to ensure there are no loopholes in implementation of exemptions.

Who granted this individual an exemption from quarantine?

- State governments handle requests for exemption from mandatory quarantine for their jurisdictions.

- s47E(d)

- We expect all contracted companies and their staff to meet Australian Government requirements and have reiterated that again to the company involved.
- DFAT will contribute to national processes with Commonwealth and State and Territory agencies to ensure there are no loopholes in implementation of exemptions.
- We will assist authorities to get to the bottom of this case.

Didn't DFAT write a supporting letter for this individual?

- The Australian Embassy in Kabul wrote a note confirming that the individual was 'travelling on essential Australian Government business'. This is for the purposes of departing Australia again to provide essential security services to the Embassy in Kabul.
- The letter does not mention quarantine exemptions, nor was it issued to him for that purpose.
- DFAT did not support this exemption application and was unaware it had been sought or granted.

But don't 'foreign consular officials' have an exemption from quarantine (e.g. case of a diplomat not going into hotel quarantine in the ACT)?

- This case does not concern a 'foreign consular official'.
- Foreign diplomats must observe Australian measures to contain the spread of Coronavirus, including the requirement to quarantine for 14 days after arriving in Australia from overseas.
- Diplomats and their dependants may be given permission, on a case by case basis, to quarantine in private accommodation. This reflects the treatment we expect foreign governments will accord to Australian officers posted overseas.
- During their quarantine, foreign diplomats are monitored in the same way as other people in quarantine, with regular contact by health authorities.
- Any breach of home quarantine arrangements would be treated as a very serious matter by DFAT.

Any use or disclosure of personal information about individuals and the incidents contained in this background should not be made public. To do so may constitute a breach of the Privacy Act 1988 (Cth).

Background

1. An AEGIS/Gardaworld employee contracted to work at Kabul Post returned to Australia s47E(d) & s47F(1)
2. s47E(d)

3. s47E(c) & s47E(d)
4. DFAT was not aware that the individual had sought or been granted an exemption to travel by air from Sydney to Queensland, or to quarantine privately in Queensland.
5. DFAT has met with GardaWorld management to clarify how these events occurred and have agreed to a range of measures to avoid any repeat of this situation with their contractors.
6. DFAT has instructed all staff to seek departmental approval before seeking an exemption from government-arranged quarantine and has reiterated to staff the importance of adhering to departmental guidelines.
7. Security providers for the Australian Embassy in Kabul are given a diplomatic passport to allow for entry and exit from Afghanistan, but they are required to travel on a personal passport when coming into Australia.

Handling Notes

Media Interest

Media interest in this issue has picked up since the story first broke on Sunday 2 August, shifting from the initial attention on the individual case to the government processes around the class exemption more broadly.

Approval	
Consultation	DSD, PRB
Author	s22(1)(a)(ii)
Cleared by	People Division COVID-19 Unit

s22(1)(a)(ii)