



The registered business name of  
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PO Box 13103 Law Courts 8010 Vic

Mr Gordon Cooper  
Director - Enforcement Group  
WorkSafe Victoria

**By email only:**

29 September 2020

Dear Mr Cooper,

Pursuant to section 131(1) of the Occupational Health and Safety Act 2004 (Vic), I consider that the occurrences, acts and omissions of the employer entities, officers (as defined by the Occupational Health and Safety Act 2004 (Vic)) persons and employees in the listing below, constitute indictable criminal offences against the Occupational Health and Safety Act 2004 (Vic) and therefore request that the Authority (WorkSafe) prosecute under the sections of the Occupational Health and Safety Act 2004 (Vic) as detailed in the listing below.

The prosecutions should be brought against the entities, officers, employees and persons identified in the listing below in relation to the occurrences, acts and omissions in relation to the planning, development, control, operation and management of the Victoria government Hotel Quarantine Containment Program, including but not limited to the decision to engage private security agencies to guard returned international travellers, which commenced operation on 27 March 2020.

This request is made in the knowledge that the Authority (WorkSafe) and its Inspectors have extensive coercive investigatory powers which were not made available to the Board of Inquiry Into the Hotel Quarantine Containment Program headed by Jennifer Coate.

On the basis of the sworn evidence provided by the witnesses to and the documents produced to the Victoria government Board of Inquiry into the Hotel Quarantine Containment Program (also known as the Inquiry into COVID-19 Quarantine Containment) headed by Jennifer Coate and also in public statements made by the Premier Daniel Andrews, the former Minister for Health, Jenny Mikakos, the Chief Health Officer Brett Sutton and the Deputy Chief Health Officer, Annaliese van Diemen, it is now clear that these occurrences, acts and omissions have to date resulted in more than 17,800 people contracting the COVID-19 virus, hundreds of people being admitted to hospital as inpatients and 765 people dying as a result of contracting the virus (as at 27 September 2020).

This request is made in compliance with section 131(1) of the Occupational Health and Safety Act 2004 (Vic) and in accordance with the WorkSafe published Information sheet entitled *Requests for prosecution under section 131 of the Occupational Health and Safety Act 2004 (Vic)*, dated December 2016.

I look forward to your advices after the investigations undertaken in relation to the Authority's (WorkSafe's) decisions to prosecute or to provide written reasons for why prosecutions will not be brought, in compliance with the Authority's (WorkSafe's) statutory obligations under section 131(2) of the Occupational Health and Safety Act 2004 (Vic).

I reserve the right to produce this letter to a court should it be necessary.

With thanks

Ken Phillips  
Executive Director  
Self Employed Australia-

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Mr. Ken Phillips  
Executive Director  
Self Employed Australia  
PO BOX 13103  
LAW COURTS VIC 8010

7 October 2020

**By email only:** [kennethnormanphillips@gmail.com](mailto:kennethnormanphillips@gmail.com)

Dear Mr. Phillips,

**RE: Request for the Authority to investigate and prosecute pursuant to s.131 Occupational Health and Safety Act 2004 (Act)**

Thank you for your letter dated 29 September 2020.

You have made a request under s 131(1) of the Act for WorkSafe to bring prosecutions against various individuals and entities involved with the Hotel Quarantine Program (the Program). I understand the basis of your request to be that evidence from the COVID-19 Hotel Quarantine Inquiry indicates that COVID-19 was transmitted from returned travellers to persons working in the Program and then into the broader community.

As you have been made aware, WorkSafe is currently conducting an investigation into the Program. WorkSafe is committed to carrying out its investigation in an efficient and timely manner but as you will appreciate, it will take some time for the investigation to be completed and then for decisions to be made in respect of bringing prosecutions.

In accordance with s 131(2A) of the Act, we will provide you with updates every three months as to the status of the investigation and decisions made about whether any prosecutions will be brought.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Gordon Cooper".

**Gordon Cooper**  
Director  
Enforcement Group