



The registered business name of  
*Independent Contractors Australia*  
Incorporated Victoria No A0050004U  
ABN: 54 403 453 626  
[www.selfemployedaustralia.com.au](http://www.selfemployedaustralia.com.au)  
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-

**List of entities, officers, persons and employees I request to be prosecuted, including the offences I consider to have been constituted by the occurrences, acts and omissions in relation to the Victoria government Hotel Quarantine Containment Program.**

*State of Victoria:* Contravened Sections 21(1), 21(2)(a), 21(2)(b), 21(2)(c), 21(2)(d), 21(2)(e), 22(1)(a), 22(1)(b), 22(1)(c), 22(2)(a), 22(2)(b), 23, 26, 32, 38(5)

*Department of Health and Human Services:* Contravened Sections 21(1), 21(2)(a), 21(2)(b), 21(2)(c), 21(2)(d), 21(2)(e), 22(1)(a), 22(1)(b), 22(1)(c), 22(2)(a), 22(2)(b), 23, 26, 32, 38(5)

*Department of Jobs, Precincts and Regions:* Contravened Sections 21(1), 21(2)(a), 21(2)(b), 21(2)(c), 21(2)(d), 21(2)(e), 22(1)(a), 22(1)(b), 22(1)(c), 22(2)(a), 22(2)(b), 23, 26, 32, 38(5)

*Emergency Management Victoria:* Contravened Sections 21(1), 21(2)(a), 21(2)(b), 21(2)(c), 21(2)(d), 21(2)(e), 22(1)(a), 22(1)(b), 22(1)(c), 22(2)(a), 22(2)(b), 23, 26, 32, 38(5)

*Victoria Police Force:* Contravened Sections 21(1), 21(2)(a), 21(2)(b), 21(2)(c), 21(2)(d), 21(2)(e), 22(1)(a), 22(1)(b), 22(1)(c), 22(2)(a), 22(2)(b), 23, 26, 32

*Victorian Trades Hall Council:* Contravened Sections 21(1), 21(2)(a), 21(2)(b), 21(2)(c), 21(2)(d), 21(2)(e), 22(1)(a), 22(1)(b), 22(1)(c), 22(2)(a), 22(2)(b), 23, 26, 32

*Premier of the State of Victoria, Daniel Andrews:* Contravened Sections 26, 32, 39G, 144

*The former Minister for Health, Jenny Mikakos:* Contravened Sections 26, 32, 39G, 144

*Minister for Police Emergency Services, Lisa Neville:* Contravened Sections 26, 32, 39G, 144

*Minister for Jobs, Precincts and Regions, Martin Pakula:* Contravened Sections 26, 32, 39G, 144

*Chris Eccles, Secretary, Department of Premier and Cabinet:* Contravened Sections 25, 26, 39G, 144

*Kym Peake, Secretary for Health and Human Services:* Contravened Sections 25, 26, 39G, 144

*Melissa Skilbeck, DHHS, Deputy Secretary, Regulation, Health Protection and Emergency Management:* Contravened Sections 25, 26, 39G, 144

*Andrea Spiteri, DHHS, Executive Director, Emergency Management:* Contravened Sections 25, 26, 39G, 144

*Jason Helps, DHHS, Deputy Director, Emergency Management:* Contravened Sections 25, 26, 39G, 144

*Simon Phemister, Secretary for Jobs, Precincts and Regions:* Contravened Sections 25, 26, 39G, 144

*Brett Sutton, Chief Health Officer:* Contravened Sections 25, 26, 32, 39G, 144

*Annaliese van Dieman, Deputy Chief Health Officer:* Contravened Sections 25, 26, 32, 39G, 144

*Michelle Giles, Deputy Public Health Commander:* Contravened Sections 25, 26, 32, 39G, 144

*Simon Crouch, DHHS, Senior Medical Adviser, Acting Deputy Chief Health Officer:* Contravened Sections 25, 26, 39G, 144

*Shane Patton, Chief Commissioner of Victoria Police:* Contravened Sections 25, 26, 39G, 144

*Graham Ashton, Former Chief Commissioner of Victoria Police:* Contravened Sections 25, 26,

*Timothy Tully, Victoria Police Commander, Officer In Charge Operation Soteria:* Contravened Sections 25, 26, 39G, 144

*Andrew Crisp, Emergency Management Commissioner:* Contravened Sections 25, 26, 39G, 144

*Noel Cleaves, DHHS, Manager Environmental Health, Regulation and Compliance:* Contravened Sections 25, 26, 39G, 144

*Rachaele May, DJPR Executive Director, Emergency Coordination; DJPR Agency Commander of Operation Soteria:* Contravened Sections 25, 26, 39G, 144

*All members of the management team known as the State Control Centre:* Contravened Sections 25, 26, 39G, 144