

Dmitry Rozkin
Director (Acting)
Enforcement Legal
WorkSafe Victoria
By email: Enforcement_Group_Admin@worksafe.vic.gov.au

29 September 2021

Dear Mr Rozkin

In response to your letter to me of 29 September 2021, I find your assertion that by bringing a prosecution against the Department of Health, WorkSafe have somehow complied with its statutory obligation under the Occupational Health and Safety Act 2004 (Vic) is at best disingenuous.

In your letter you state:

WorkSafe has now brought a prosecution in respect of the occurrence of the act, matter or thing outlined in your request. Accordingly, WorkSafe has now fulfilled its obligations to you under Section 131 of the Act.

For your assertion to be correct at law, I would have needed to make my requests to have the individuals and entities prosecuted, in 27 entire separate letters.

Such an assertion is palpable nonsense. The occurrence of the act, matter or thing to which you refer is clearly not just referable to just one of the entity's involved in the Hotel Quarantine Program. The occurrence of the act, matter or thing is clearly referring to the involvement of each of the individuals and entities involvement in the Hotel Quarantine Program.

I do not accept your assertion that the reason WorkSafe believes it has complied with its statutory obligations is that it has decided to prosecute one entity out of 27 individuals and entities.

Yours sincerely

Ken Phillips
Executive Director