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Mr Gordon Cooper
Director - Enforcement Group
WorkSafe Victoria

By email only:

c/o Michelle Repacholi michelle_repacholi@worksafe.vic.gov.au
cc Patrick D'Arcy Patrick_darcy@worksafe.vic.gov.au

4 January 2021

Dear Mr Cooper,

I refer to your letter of 17 December 2020 in which you did little more than advise that the WorkSafe investigations into indictable offences committed under the Occupational Health and Safety Act 2004 (Vic) in relation to the Victoria Government Hotel Quarantine Program, are continuing. It is obvious that your investigations are continuing, otherwise your letter would have advised of your decision.

Similarly, your comments in relation to the admissibility or otherwise of the evidence provided to the Coate Inquiry were puzzling. Surely you're not suggesting that those who breached the Occupational Health and Safety Act can somehow now hide behind the evidence given to the Coate Inquiry? WorkSafe and WorkSafe Inspectors have extremely wide powers of investigation which must be used if the WorkSafe investigation into the Victoria Government Hotel Quarantine Program is to be taken seriously. If nothing else, the Coate Inquiry has provided your investigation with many clear signposts.

Given that WorkSafe have now been aware of the circumstances surrounding the failures of the Hotel Quarantine Program for some nine months and that therefore your investigations should be very well advanced, I write requesting you provide further information to your brief letter of 17 December 2020.

I am not requesting information that could possibly prejudice future prosecutions brought by WorkSafe but, given the investigations must now be very well advanced and in the interests of WorkSafe maintaining transparency as to how it is meeting its statutory functions with regard to this critical investigation, I am merely requesting an update of the progress of your investigations as you are required to provide to the Minister. To this end, I have framed the following questions.

1. How many WorkSafe Inspectors and staff have been assigned to the Hotel Quarantine Program investigation team?
2. How many witnesses have been contacted?
3. How many witness statements have been taken?
4. How many requests for formal records of interview have been made?

5. How many persons have been interviewed?
6. How many persons have refused to be interviewed?
7. How many persons have been requested to make a statement?
8. How many statements have been taken?
9. How many persons have refused to make a statement?
10. How many statutory directions requiring information and documents from entities and individuals have been made to date pursuant to ss.9 and/or 100 of the Occupational Health and Safety Act?

I look forward to your responses.

Yours sincerely

Ken Phillips
Executive Director