

Briefing Note – 25 October 2020

Today Self-Employed Australia has again written to WorkSafe Victoria requesting them to investigate and prosecute the government for the latest Covid outbreak of 22 October 2020.

Basic facts

- Somali family in Northern suburbs. English as a second language.
- Two of the children tested positive. Other members in the family were positive.
- A third child had tested as negative.
- The entire family was in lockdown/quarantine under supervision by DHHS.
- There was a case manager for each and every member of the family.
- The 2 children who tested positive were subsequently given a DHHS clearance (17 October) to end their isolation. That is, on the DHHS's view the 2 children were no longer infectious. Only DHHS has the authority to issue such clearances.
- DHHS informed the mother in writing in English (the clearance letter/s) that it was okay for the children to return to school.
- Other family members were in quarantine at home still positive with Covid.
- No written communication was supplied to the family or the mother in their/her first language. A translator was available to the family, but only oral.
- The mother took the clearance letter/s to the school and the school informed the mother that it was okay for the children to return to school.
- All three children returned to school.
- After 2 days back at school the third child (Grade 5 Primary) in the family was discovered to be Covid positive.
- The school, family and related communities have been put back into lockdown/quarantine.

Observations

- There was no or inadequate communication between the many DHHS case managers allocated to the family. Each case manager, it seems, acted in a silo related to their particular client in the family and no overall grasping of the totality of the family situation seems to have occurred. This was the case even though there were still current Covid positive cases in the family.
- There was a failure by DHHS to adequately communicate with the family in their first language, thereby adding to the problem.
- The family, mother and school acted in an appropriate way based on their best understanding of the advice provided to them by DHHS. That DHHS advice turned out to be dangerously flawed.
- The government admits that the Education Department and DHHS were not communicating prior to this incident. That is, that schools do not have a point of communication with either DHHS or the Education Department to advise and verify on the status of Covid-infectious school community members.
- The government has admitted its failures.

Understanding the OHS Act and the responsibility of Worksafe

It is an offence under the OHS Act (s23) to

- “Fail to ensure that persons other than employees are not exposed to risks to their health and safety arising from the conduct of the employer.”

It is further an offence under the OHS Act (s144) such that

- “If the body corporate commits an OH&S offence and the contravention can be attributed to a failure by any officer of the body corporate to take reasonable care, the officer is also guilty of an offence.”

WorkSafe has a responsibility to ensure that organisations keep people from harm. WorkSafe has an obligation to act to ensure that the failures of the government (DHHS) are investigated and prosecuted.

Comment

It is about time that the government stopped shifting blame for Covid outbreaks to the Islamic community in Victoria.

- The mother of this family acted in an entirely appropriate and responsible way for her family and community in very difficult circumstances. She deserves praise. She should be proud of herself. She is having to manage and cope with Covid in her family through no fault of her own.
- The school and school principal did everything correctly. They checked the clearance advices as best they could.
- DHHS had total and complete control of the family in relation to Covid management. That management was clearly deeply flawed in the most basic ways namely—no coordination between the case managers, no proper and clear information to the mother and checking that she understood. The support for the mother and the family was near-useless it appears.
- The school and school principal checked the clearance appropriately. It is admitted by DHHS and the Education Department that they have no coordination between the departments. Therefore the school had no government reference point to check the status of the clearances.
- As of 18 October there were only 130 current active cases of Covid in Metro Melbourne. It’s not as if DHHS had a heavy case load of many thousands.

Conclusion

In this instance the government (DHHS) had one family to manage and had multiple case managers on the job. Yet they failed to provide the most basic support and clear advice to the mother and the school.

If the government can’t manage Covid with one family, how can they manage Covid across the entire state?!

This is the Hotel Quarantine mess repeated.

Email from DHHS to the family

From: ExistingConfirmedCase
<ExistingConfirmedCase@dhhs.vic.gov.au>

Date: 17 October 2020 at 11:47:43 am AEDT

To: [REDACTED]

Cc: [REDACTED]

Subject: Coronavirus disease (COVID-19)

End of isolation for case - Victorian Health

Department Alert - PHESS ID [REDACTED]

Dear [REDACTED]

Thank you for your time earlier today.

As discussed, your family has met the Department of Health and Human Service's criteria to end isolation.

Please see letters attached.

Thank you for your cooperation during this time.