

Offence 'trigger' Issues under the Victorian Occupational Health and Safety Act Covid19 Victorian Hotel Quarantine Program

The decision made by the Victorian Government and the consequential results to use private security to detain overseas arrivals in what amounts to be house arrest. Private security guards were fundamentally ill equipped to undertake the task of detaining people returning from overseas who were potentially infected with COVID-19.

Offences allegedly committed by the Victorian Government and the various Victorian Government authorities, agencies, organisations and individuals involved in making that decision.

Offences under the Act are indictable criminal offences.

s.21(2)(a)

A failure to provide systems of work to the security company's employees to undertake the work for which they were contracted, that is, guarding people detained as potentially infected with COVID-19, for example, they were not provided with any or any adequate PPE.

s.21(2)(d)

A failure to provide adequate facilities for the welfare of the security workers at the hotels at which they were assigned to detain people potentially infected with COVID-19.

s.21(2)(e)

A failure to provide information, instructions, training and supervision to the security guards so that they were able to perform the work safely for which they were contracted, that is guarding detained people potentially infected with COVID-19.

s.23(1)

A failure to ensure safety for the security guards in a workplace managed or controlled by the Victorian Government and Victorian Government authorities, agencies and organisations, for example, they were not provided with any or any adequate PPE to safely guard detained persons potentially infected with COVID-19.

s.26(1)

A failure to ensure that the hotels as workplaces were safe and without risk for the security guards contracted to guard detained persons potentially infected with COVID-19.