Courts, Canberra key to fixing Victoria’s mess

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Over the decades I have observed countless large companies that have encountered serious management problems. On almost every occasion it’s been impossible for the managers who made the big mistakes to rectify them. They have too much baggage.

Those that don’t change their management normally go to the wall. The state of Victoria has seen the current administration oversee the largest industrial accident in Australia’s history, with hundreds of deaths.

With two exceptions the people who were in control at the time of the deaths are still there and, in some areas, are still making the same mistakes.

In Melbourne’s Herald Sun newspaper, three ministers and five public servants have been displayed on page one as “The Shady Bunch”. While two of the bunch have stepped down the other five are still managing the pandemic and other state affairs. It does not work in companies and it does not work in government.

Victoria desperately needs the transfer of proven corporate practices to government by replacing those in the cabinet (the equivalent of boards) and public service (the “management”) who contributed to so many deaths. Understandably, they are now simply unable to fix the problem. Many know they have made horrendous mistakes and will not be sleeping.

In the corporate arena, shareholders and regulators can force the changes but in the Victorian parliamentary arena there is no election until 2022. So there is grave risk of a “third wave” until a vaccine or cure is developed. This is not only disaster for Victoria but the nation as well.

Victoria’s current problem is that it’s contact tracing system is simply still not up to the standard of other states. For example, it is still only testing those with symptoms where infection breaks out, instead of testing everybody in the area. Sometimes up to half of those infected, and who will infect others, have no symptoms so are not discovered. Private security guards are still involved in some quarantine areas.

No easy solutions

But a change in Victorian procedures would involve admitting a mistake.

The current administration is not only trapped by the consequences of its past mistakes, but proper cabinet accountability does not seem to be fully restored. In the absence of an election there are only three alternatives to remove part of the “board” and “management” and follow the well tested corporate procedures.

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The first and easiest solution is for the Victorian ALP politicians to realise that while Premier Daniel Andrews is a good communicator he and his key ministers cannot manage a pandemic.

Sadly, the web of loyalties and factions, plus the power of the unions, means that the Victorian ALP politicians are simply not up to taking that step. There is an enormous campaign taking place in social media to ask voters to protest by not voting for Labor and Green candidates in the looming local council elections. Self Employed Australia started the movement but many others have joined. If that’s successful it might ring a few political warning bells but the power structures are very strong.

The second way to remove the “board” and “management” from Victorian pandemic administration is the simplest. The maladministration in Victoria is damaging the nation so the [Commonwealth can use its quarantine power](https://www.theaustralian.com.au/business/economics/with-victoria-in-shambles-its-time-to-test-the-constitutions-quarantine-powers/news-story/cb45c0241eb147bdc90d0a277d6026bd)to take control of quarantine in Victoria and which would cover contact tracing and the quarantine hotels. The founding fathers gave the Commonwealth the power but, as with the Victoria’s Labor politicians, there’s no way the Morrison government wants let itself get trapped in that sort of mess. Better to let the Andrews government slowly kill itself off and that will flow nicely across to the next year’s federal election.

That leaves us with the third solution. Victoria has occupation health and safety laws that include industrial manslaughter.

WorkSafe chief Colin Radford has spent the last eight weeks looking at how our largest industrial accident took place. Given the amount of public evidence now on the table he should have nearly completed the task.

He has been asked to [prosecute four politicians and 16 public servants](https://www.theaustralian.com.au/business/four-victorian-ministers-16-public-servants-may-face-prosecution-over-alleged-ohs-law-breaches/news-story/20ace50f6e620fe3be9953e6b8dd2290).

On December 29 he must give an interim report where he can either say “no” or “yes”. Alternatively, he can request more time. Normally it would be reasonable to give Radford more time but Victorian businesses are being decimated because key ministers and public servants can’t manage the situation.

A number of silks are exploring how WorkSafe executives can be prosecuted for non-action if there is a third wave and more deaths. The Supreme Court maybe involved.

I can’t emphasise too strongly that prosecution does not mean guilt, but if top public servants and ministers were prosecuted they could be temporarily stood down. And that would allow a new premier to come in and request of the Commonwealth take over contact testing and quarantine. The Commonwealth would, of course, bring in the Australian defence forces and almost certainly top people from health departments in NSW and other states. And remember that whoever becomes premier must re-introduce detailed cabinet accountability as part of the process of government. No more experimenting with “missions”.