6 January 2022

[Insert Company Name]

[Insert Company Address]

[Insert Company Email]

To the WHS Manager

In reference to the Vaccine mandate currently being enforced by the aforementioned company under the instruction on the Chief Health Officer of the Australian Capital Territory referencing the Public Health Act. It must be noted that the vaccine mandate has been issued to the workplace and therefore falls under the jurisdiction of the WHS Act – ACT 2011. The WHS Act – ACT 2011 lists the duties of the person conducting a business or undertaking (“PCBU”) to consult with workers:

Division 5.2 Consultation with workers

47 Duty to consult workers

 (1) The person conducting a business or undertaking must, so far as is reasonably practicable, consult, in accordance with this division and the regulation, with workers who carry out work for the business or undertaking who are, or are likely to be, directly affected by a matter relating to work health or safety.

Maximum penalty:

 (a) in the case of an individual—$20 000; or

 (b) in the case of a body corporate—$100 000.

Note Strict liability applies to each physical element of this offence (see s 12A).

 (2) If the person conducting the business or undertaking and the workers have agreed to procedures for consultation, the consultation must be in accordance with those procedures.

 (3) The agreed procedures must not be inconsistent with section 48.

I draw your attention to the attached information in relation to the serious safety concerns, the lack of medical evidence and long-term safety studies that the vaccines being mandated have [Refer **APPENDIX A** and associated Appendix]. Serious concerns are raised as these experimental medical treatments may potentially cause for all workers, contractors, sub-contractors and visitors to our workplace and the potential for adverse reactions and potential harm.

This potentially is a serious breach of the WHS Act – ACT 2011 as a failure to provide a safe workplace that may be determined as Industrial Manslaughter. It must be noted that there are severe penalties for this offence:

Division 2.6 Industrial manslaughter

34A Industrial manslaughter

 (1) A person commits an offence if—

 (a) the person conducts a business or undertaking, or is an officer of a person who

conducts a business or undertaking; and

 (b) the person has a health and safety duty; and

 (c) the person engages in conduct; and

 (d) the conduct results in a breach of the health and safety duty; and

 (e) the conduct causes—

 (i) the death of a worker; or

 (ii) an injury to a worker and the injury later causes the death of the worker; or

 (iii) the death of another person; and

(f) the person is reckless or negligent about causing the death of the worker or other person by the conduct.

Maximum penalty:

 (a) in the case of an offence committed by an individual as a person conducting a

business or undertaking or as an officer of a person conducting a business or undertaking—imprisonment for 20 years; or

 (b) in the case of an offence committed by a body corporate—$16 500 000.

Note See s 244 and s 245 for imputing conduct to a body corporate or the Territory.

Additionally, the adverse reactions currently recorded by the TGA - Therapeutic Goods Administration list four serious illnesses:(1) Myocarditis & pericarditis (2) Thrombosis with thrombocytopenia syndrome (3) Guillain-Barre Syndrome (4) immune thrombocytopenia. These all very serious illnesses that can be life threatening and can seriously affect the quality of life of the sufferer. The workplace will potentially become hazardous if any worker suffers a serious adverse reaction relating to these vaccines, particularly when conducting high risk works, to which the PCBU has a primary duty of care:

Division 2.2 Primary duty of care

19 Primary duty of care

 (1) A person conducting a business or undertaking must ensure, so far as is reasonably

practicable, the health and safety of—

 (a) workers engaged, or caused to be engaged, by the person; and

 (b) workers whose activities in carrying out work are influenced or directed by the

person, while the workers are at work in the business or undertaking.

 (2) A person conducting a business or undertaking must ensure, so far as is reasonably

practicable, that the health and safety of other persons is not put at risk from work carried out as part of the conduct of the business or undertaking.

 (3) Without limiting subsections (1) and (2), a person conducting a business or undertaking must

ensure, so far as is reasonably practicable—

(a) the provision and maintenance of a work environment without risks to health and safety; and

Division 2 – Primary duty of care

We are currently inoculating the entire ACT’s workplaces with a vaccine that does not prevent transmission and is therefore NOT A SUITABLE control measure to prevent to exposure of the vulnerable at the workplace. There are insufficient safety studies on any of these vaccines and the safety, health and wellbeing of all workers must be at the forefront.

The documents attached [Refer **APPENDIX A** and associated Appendix] provide more detail on the very serious concerns about the vaccines altering DNA and their potential to cause cancer. These issues alone are justification to immediately halt the mandate pending further investigation.

The PCBU's of the aforementioned company are now placed on notice that they will now be exposed to litigation and possibly the crime of reckless conduct should an incident occur whereby the Government regulator and the coroner determine that the vaccine was the cause of the fatality(s).

Under the WHS Act – ACT 2011 consultation and co-operation in relation to protecting the health and safety of workers and other people by eliminating or minimising risks arising from work or workplaces. The vaccines are a potential cause of harm and will possibly increase the risk of serious incidents and events across the workplace. The PCBU's are obligated to address the issues raised and immediately contact the ACT’s Government for an urgent response to the safety concerns raised.

I trust that the utmost importance will be placed on the serious safety concerns raised and the immediate halt to the vaccine mandate be issued to all stakeholders.

I would appreciate a response within 7 days or further actions will be taken.

Regards

[Print Name]

**Attachment:**

**APPENDIX A**\_COVID-19 VACCINE MANDATE WHS Risk Assessment for the Workplace (plus associated Appendix)