22 December 2021

[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 NSW 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 – NSW 2011 the work health and safety act lists the duties of the PCBU to consult with workers:

**Division 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 regulations, 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.** [emphasis added]

Maximum penalty:

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

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

(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 & visitors to our workplace and the potential for adverse reactions and potential harm.

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

**Division 5 Offences and penalties**

**30 Health and safety duty**

In this Division, ***health and safety duty*** means a duty imposed under Division 2, 3 or 4 of this Part.

**31 Reckless conduct—Category 1**

(1) A person commits a Category 1 offence if:

(a) the person has a health and safety duty, and

(b) the person, without reasonable excuse, engages in conduct that exposes an individual to whom that duty is owed to a risk of death

or serious injury or illness, and (c) the person is reckless as to the risk to an individual of death or serious injury or illness.

Maximum penalty:

(a) in the case of an offence committed by an individual (other than as a person conducting a business or undertaking or as an officer

of a person conducting a business or undertaking)—$300,000 or 5 years imprisonment or both, or

(b) 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—$600,000 or 5 years imprisonment or both, or

(c) in the case of an offence committed by a body corporate—$3,000,000.

(2) The prosecution bears the burden of proving that the conduct was engaged in without reasonable excuse.

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 work activities.

**Division 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

We are currently inoculating the entire State of NSW 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 may 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 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 NSW 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)