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 Northern 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 – NT 2011. The WHS Act-NT 2011 lists the duties of person conducting a business or undertaking (“PCBU”) to consult with workers:

***Consultation with workers (sections 47-49)***

*PCBUs must so far as reasonably practicable consult 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 health and safety. This includes giving workers a reasonable opportunity to express their views or raise issues about work health and safety at the workplace.*

*Consultation is a collaborative process between PCBUs and their workers. It involves sharing information about work health and safety and ensuring that views of workers are taken into account when making decisions about health and safety at the workplace. It does not require agreement to be reached.*

*If there is an agreed consultation procedure then the consultation must be in accordance with those procedures. If a HSR represents workers the consultation must involve the HSR.*

*A PCBU must consult with workers and take their views into account when:*

* *identifying hazards and assessing risks arising from work*
* *proposing changes that may affect the health and safety of workers, and*
* *whenever specifically required to do so under particular regulations and when considering making decisions about:*
* *ways to eliminate or minimise risks*
* *the adequacy of facilities for workers’ welfare at work*
* *procedures for consulting with workers*
* *procedures for resolving health and safety issues*
* *procedures for monitoring the health of workers or workplace conditions, and*

*how to provide health and safety information and training to workers.*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 – NT 2011 as a failure to provide a safe work place that may be determined as Industrial Manslaughter. It must be noted that there are severe penalties for this offence:

**Health and safety duty offences**

The WHS Act provides for three categories of criminal offences for breach of health and safety duties. The maximum penalties are different depending on the category of the offence and whether the offender is an individual (e.g. a worker, or a PCBU), an officer (as defined) or a body corporate.

Category 1 – a duty holder, without reasonable excuse, engages in conduct that recklessly exposes a person to a risk of death or serious injury or illness.

Category 2 – a duty holder fails to comply with a health and safety duty that exposes a person to risk of death or serious injury or illness.

Category 3 – a duty holder fails to comply with a health and safety duty.

**Penalties for breach of health and safety duty offences**

|  |  |  |  |
| --- | --- | --- | --- |
| **Type Order** | **Corporation** | **Individual as PCBU or officer** | **Individual as worker or other**  |
| Category 1 | $3 million | $600 000, five years in jail or both | $300 000, five years jail or both |
| Category 2 | $1.5 million | $300 000 | $150 000 |
| Category 3 | $500 000  | $100 000 | $50 000 |

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.

Under the WHS Act-NT 2011 lists the duties of the PCBU as:

***Duties of a PCBU***

***Primary duty of care (section 19)***

*The WHS Act requires all PCBUs to ensure, so far as is reasonably practicable, the health and safety of:*

1. *workers engaged, or caused to be engaged by the person, and*
2. *workers whose activities in carrying out the work are influenced or directed by the person, while workers are at work in the business or undertaking.*

*This primary duty of care requires duty holders to ensure health and safety, so far as is reasonably practicable, by eliminating risks to health and safety. If this is not reasonably practicable, risks must be minimised so far as is reasonably practicable.*

*PCBUs owe a similar duty of care to other people who may be at risk from work carried out by the business or undertaking.*

*A self-employed person must ensure his or her own health and safety while at work, so far as is reasonably practicable.*

*Primary duty of care, ‘upstream’ duties and duties of ‘officers’, workers and other persons (sections 19-28)*

1. *Under the primary duty of care a PCBU must ensure, so far as is reasonably practicable:*
	1. *the provision and maintenance of a working environment that is safe and without risks to health, including safe access to and exit from the workplace*

We are currently inoculating the entire Northern Territory’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 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-NT 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 Northern Territory’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)