**July 2019**

## About this form

This form is to be used when making a request to the NSW Resources Regulator under section 231 of the *Work Health and Safety Act 2011* to commence a prosecution in relation to a mine or petroleum site.

Section 231(1) of the WHS Act allows a person who reasonably considers that a category 1 or 2 offence has been committed but where no prosecution has been brought, to make a written request to the department to bring a prosecution. The request can only be made if no prosecution has been brought and the request is made between six and 12 months after the alleged offence occurred. The request under section 231 of the WHS Act only applies to category 1 or 2 offences.

You should read the fact sheet - Request the regulator to commence a prosecution under the Work Health and Safety Act 2011 in relation to a mine or petroleum site available on the department’s website before completing this form.

# **A**pplicant’s details

| First name |       |
| --- | --- |
| Other given name (if applicable) |       |
| Last name |       |
| Home address |       |
| Postal address |       |
| Email address |       |

| Daytime contact telephone (Contact will primarily be via email) |       |
| --- | --- |
| Mobile number |       |
| What is your relationship with the workplace (that is a mine or petroleum site) to which your request relates? |       |

# Details of the person conducting the business or undertaking (PCBU) you believe has committed the alleged offence

If known, provide details of the body corporate or individual you believe has committed the alleged offence.

## Body corporate

|  |
| --- |
|       |

## Registered trading name (if applicable). If the organisation is a trust, include the name of the trust.

|  |
| --- |
|       |

| ABN |   |   |   |   |   |   |   |   |   |   |   |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |

| ACN |   |   |   |   |   |   |   |   |   |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |

## Individual PCBU or a contact person for body corporate PCBU (if applicable)

|  |  |
| --- | --- |
| First name |       |
| Other given name (if applicable) |       |
| Last name |       |
| Position |       |
| Email address  |       |
| Daytime phone number |       |
| Mobile number |       |

## Street address

|  |  |
| --- | --- |
| Unit/street/property number |       |
| Street address |       |
| Suburb |       |
| State |       |
| Postcode |       |
| Country (if other than Australia) |       |

# Date the alleged offence is believed to have occurred

|  |
| --- |
|       |

# Address where the alleged offence occurred

|  |  |
| --- | --- |
| Name of workplace (that is a mine or petroleum site) |       |
| Site or street address of mine or petroleum site |       |
| Suburb |       |
| State |       |
| Postcode |       |

# Details of the alleged offence

Please provide information that details the act, manner or thing that you believe occurred and why you reasonably believe that the person committed the office:

|  |
| --- |
|       |

How or why do you reasonably believe that the above event constitutes a category 1 or 2 offence?

|  |
| --- |
|       |

# Details of people who you believe may have information relevant to the alleged offence

Please provide contact details of any person who may have information relevant to the alleged office (including their names, position and organisations they represent).

|  |
| --- |
|       |

# Declaration

I declare that:

* to the best of my knowledge, the information provided in this form and attachment (s) to this form, is true and correct in every detail; and
* I consent to the department making enquiries and exchanging information with any relevant parties regarding any matter relevant to this form.

**Note:** Giving false or misleading information is a serious offence under section 268 of the Work Health and Safety Act 2011 and Part 5A of the Crimes Act 1900.

|  |  |
| --- | --- |
| Name |       |
| Position/title |       |
| Signature |  | Date |       |

# Submitting the form

Requests must only be sent to the addresses below.

Email: cau@planning.nsw.gov.au

Mail: Central Assessment Unit,

NSW Resources Regulator,

PO Box 344, HRMC NSW 2310

If you have any queries or need assistance completing this form please call the Central Assistance Unit on 1300 814 609.

© State of New South Wales through Department of Planning, Industry and Environment 2019. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute the Department of Planning, Industry and Environment as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (July 2019) and may not be accurate, current or complete. The State of New South Wales (including the NSW Department of Planning, Industry and Environment), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

CM9 reference PUB18/83