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## **Ashley, Francina, Leonard & Associates (AFL) Solicitors**

**Submission to:**

**Parliamentary Joint Committee on Human Rights**

# **Inquiry: Australia's Human Rights Framework**

**July 2023**

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Parliamentary Joint Committee on Human Rights

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Committee Secretary

Parliamentary Joint Committee on Human Rights

Via email: [human.rights@aph.gov.au](mailto:human.rights@aph.gov.au)

Dear Secretary,

**RE: Inquiry: Australia's Human Rights Framework 2023**

1. We welcome the opportunity to provide a submission to the Parliamentary Joint Committee on Human Rights (“Committee”) inquiry into *Australia's Human Rights Framework*.
2. AFL Solicitors is in a unique position to provide commentary as we have worked on matters canvassed by this inquiry. We were the first law firm to advocate and provide an objective counter-narrative to biased reporting and community messaging during the COVID-19 era.
3. Indeed, we were amongst the very few in Australia providing Australian citizens with objective information detailing the consequences of accepting unchallenged state-run media messaging where ridicule, ad hominem attacks and oppressive regulatory and enforcement techniques were used to support the state-sponsored and controlled media message during the height of the coronavirus pandemic.
4. Our submission is focused on the COVID-19 era and is one based on real experiences (unfiltered, edited or influenced) by external parties, and we ask that this submission be entered into the record without omissions or redactions.
5. We hope the information and comments we have provided will assist the Committee and look forward to reading your final report and recommendations.
6. We provide the following submission for the Committee’s consideration.

Yours faithfully,

Tony Nikolic,

Director

**Ashley, Francina, Leonard & Associates (AFL Solicitors)**

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## Caveat

None of the matters relating to wrongdoing in this submission are confidential, rather they are all on the public record (either media or Court decisions) and as such they are merely replicated in this submission to assist the Legislature.

There is no intention in this submission to tarnish the reputation or brand of any organisation but rather provide information that is already on the public record thus reducing the need for redactions and censorship.

## Foreword

*Australia is the only democratic nation not to have enacted a comprehensive national regime protecting human rights. The COVID-19 era exposed Australia's chronic lack of protection for human rights. The fact that Ministers could ban Australians from returning home under threat of jail, close State and Territory borders, mandate vaccination and lock citizens down in their homes without any requirement to act proportionately or to minimise the impact on human rights was a shock to all Australians.*

## Terms of reference

We will address a number of the matters that the Committee has highlighted. These are the scope and effectiveness of Australia's 2010 [Human Rights Framework](#)<sup>1</sup> and the [National Human Rights Action Plan](#);<sup>2</sup> whether the Australian Parliament should enact a federal Human Rights Act, and if so, what elements it should include (including by reference to the Australian Human Rights Commission's recent [Position Paper](#)<sup>3</sup>); and whether existing mechanisms to protect human rights in the federal context are adequate and if improvements should be made, including:

- The remit of the Committee on Human Rights;
- The role of the Australian Human Rights Commission;
- The process of how federal institutions engage with human rights, including requirements for statements of compatibility.

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<sup>1</sup> Australia's Human Rights Framework, Commonwealth, 2010. Available at: <[https://www.aph.gov.au/-/media/Committees/Senate/committee/humanrights\\_ctte/Aus\\_Human\\_Rights\\_Framework/Aust\\_HR\\_Framework\\_k\\_2010.pdf?la=en&hash=E28A006D823EE0BCDDCED2C0B851C4E56B4EEE04](https://www.aph.gov.au/-/media/Committees/Senate/committee/humanrights_ctte/Aus_Human_Rights_Framework/Aust_HR_Framework_k_2010.pdf?la=en&hash=E28A006D823EE0BCDDCED2C0B851C4E56B4EEE04)>.

<sup>2</sup> Australia's National Human Rights Action Plan, Commonwealth, 2012. Available at: <[https://www.aph.gov.au/-/media/Committees/Senate/committee/humanrights\\_ctte/Aus\\_Human\\_Rights\\_Framework/Nat\\_HR\\_Action\\_Plan\\_2012.pdf?la=en&hash=A548EBFAC08B582773D0AE3015B5CA8F6355F68C](https://www.aph.gov.au/-/media/Committees/Senate/committee/humanrights_ctte/Aus_Human_Rights_Framework/Nat_HR_Action_Plan_2012.pdf?la=en&hash=A548EBFAC08B582773D0AE3015B5CA8F6355F68C)>.

<sup>3</sup> Australian Human Rights Commission, 'Free and Equal: A Human Rights Act for Australia', (2022). Available at: <<https://humanrights.gov.au/human-rights-act-for-australia>>.

## 1. Introduction

- 1.1. This submission focuses on whether the Commonwealth Parliament should enact a federal Human Rights Act and, if so, what elements it should include.
- 1.2. Additionally, whether existing mechanisms to protect human rights in the federal and state context are adequate and whether improvements should be made.
- 1.3. Our firm is committed to respecting internationally recognised human rights standards, including the *International Bill of Rights*. The *International Bill of Rights* consists of five core United Nations human rights treaties:
  - *Universal Declaration of Human Rights*;<sup>4</sup>
  - *International Covenant on Economic, Social and Cultural Rights*;<sup>5</sup>
  - *International Covenant on Civil and Political Rights*;<sup>6</sup>
  - *First Optional Protocol to International Covenant on Civil and Political Rights*;<sup>7</sup>
  - *Second Optional Protocol to International Covenant on Civil and Political Rights*.<sup>8</sup>
- 1.4. The COVID-19 era has exposed many inconsistencies within the current Parliamentary system of government and, in particular, has highlighted that fundamental human rights are currently not adequately protected in Australia.
- 1.5. We endorse the Brennan Report 2009 recommendation for an Australian Bill of Rights and submit to the Committee that the following eight principal points be considered in this inquiry:
  - Freedom of expression;
  - Freedom of movement and association;
  - Freedom of association;
  - Freedom of privacy in particular, private medical information;
  - Freedom not to be subjected to medical treatment without free medical informed consent;
  - Freedom of thought, conscience, religion and belief;
  - The right to work and earn a living without taking a vaccine; and
  - Freedom to work in chosen profession.
- 1.6. We rely on the following documents, which provided notice to the Government dating back to 2014 concerning bringing proportionality and balance to Government decision-

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<sup>4</sup> <https://www.un.org/en/about-us/universal-declaration-of-human-rights>.

<sup>5</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>.

<sup>6</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

<sup>7</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocol-international-covenant-civil-and-political>.

<sup>8</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/second-optional-protocol-international-covenant-civil-and>.

making processes and the requirement for Parliament to protect Australian citizens from discrimination.

- 1.7.1 Letter to The Hon. Brad Hazzard re: Informed Consent – Vaccine Rollouts – State Order dated 7 July 2021 (Appendix A - **attached**)
  - 1.7.2 Submission: Parliamentary Joint Committee on Corporations and Financial Services re: Whistleblower protections in the corporate, public and not-for-profit sectors dated February 2017 (Appendix B - **attached**)
  - 1.7.3 International Handbook of Whistleblower Research 2014 (Appendix C - **attached**)
- 1.7. We also submit that Australians must be protected from the World Health Organisation's ("WHO") blanket pandemic directives. We note that according to the WHO:

*"Illness due to COVID-19 infection is generally mild, especially for children and young adults."*<sup>9</sup>

- 1.8. The WHO Directives that our Federal and State Governments followed during the COVID-19 pandemic did not appear to factor in human rights or the unique Australian landscape that is vastly outback, consisting of deserts and semi-arid land. Australia is known globally for its wide-open spaces and cultural sensitivities that do not appear to be considered during the lockdowns and vaccination mandates rolled out across the country.

## 2. Scope and Effectiveness of Australia's 2010 Human Rights Framework and Action Plan

**TOR:** Consider whether the Framework should be re-established, as well as the components of the Framework, and any improvements that should be made.

- 2.1. The Human Rights Framework and Action Plan have, for the most part, been put aside. We note the statement made by Ms Sheehan in her recent testimony to this Committee that the plan:

*"Is not current and is not a document that the Attorney-General's Department is progressing or monitoring."*<sup>10</sup>

- 2.2. In addition, Ms Murphy (Committee member), in reference to these documents, stated:

*"Nothing has happened since 2014."*<sup>11</sup>

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<sup>9</sup> See Appendix A at [51], p.8.

<sup>10</sup> Parliamentary Joint Committee on Human Rights, 'Inquiry into Australia's Human Rights Framework', (Hansard 12 May 2023 - Ms Sheehan testimony p. 17). Available at: <[https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Human\\_Rights/HumanRightsFramework/Public\\_Hearings](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/HumanRightsFramework/Public_Hearings)>.

<sup>11</sup> Ibid. (Ms Murphy testimony p. 16).



- 2.3. Therefore, the commitment to review the framework as to its effectiveness in the protection and promotion of human rights in Australia<sup>12</sup> was not conducted in 2014.<sup>13</sup>
- 2.4. We believe our current legal framework does not sufficiently protect and promote human rights in Australia.
- 2.5. The effectiveness of the human rights framework and action plan is limited in its function for the reasons set out below:
  - 2.5.1. A limited education program, consisting of 20 workshops<sup>14</sup> and e-learning resources was delivered to the public sector with no additional programs delivered in the past nine years.<sup>15</sup>
  - 2.5.2. Changes in government affect the commitment to implement the specifics of the 2012 framework, which as stated by Ms Sheehan, the A-G department from around 2013 did not continue to implement the specific commitments, with the framework and action plan as guiding documents.<sup>16</sup>
- 2.6. We note that the *Human Rights (Parliamentary Scrutiny) Act 2011* (“HRPSA”) was passed to establish this Committee and to provide for statements of compatibility to accompany legislation introduced into Parliament.<sup>17</sup>
  - 2.6.1. We submit that the HRPSA was ineffective in protecting the human rights of all Australians during the pandemic, as Parliament was shut down at all levels of government.
- 2.7. Reinstating a framework or a version of the original one would be ineffective in our parliamentary system given that an incoming government’s formal human rights policy agenda can be different from the former government, as noted by Ms Sheehan in her statement to the Committee.<sup>18</sup>

### 3. Australian Human Rights Laws

*TOR: Developments since 2010 in Australian human rights laws (both at the Commonwealth and State and Territory levels) and relevant case law.*

- 3.1. Fundamentally, Australia's human rights protection is poor.
- 3.2. Australia has become an outlier by needing national human rights protection.
- 3.3. See 6.47 for discussion.

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<sup>12</sup> Above n.1. p. 3.

<sup>13</sup> Above n.10. (Ms Sheehan testimony p. 12).

<sup>14</sup> Ibid. (Ms Sheehan testimony p. 13).

<sup>15</sup> Ibid. (Ms Sheehan testimony p. 11).

<sup>16</sup> Ibid. (Ms Sheehan testimony p. 12).

<sup>17</sup> Australian Government Attorney Generals Department, ‘*Human Rights Scrutiny*’ webpage (Accessed 20/06/2023). Available at: < <https://www.ag.gov.au/rights-and-protections/human-rights-and-anti-discrimination/human-rights-scrutiny>>.

<sup>18</sup> Above n.10. (Ms Sheehan testimony p. 12).

## 4. Protection of Human Rights – Federal Context

**TOR:** *Whether existing mechanisms to protect human rights in the federal context are adequate and if improvements should be made, including:*

- *to the remit of the Parliamentary Joint Committee on Human Rights;*
- *the role of the Australian Human Rights Commission;*
- *the process of how federal institutions engage with human rights, including requirements for statements of compatibility.*

- 4.1. Australia's federal human rights laws are limited and inadequate to protect the fundamental human rights of all Australians.
- 4.2. There is a failure of existing laws that should have protected Australian citizens' freedom of medical informed consent, freedom of privacy for their vaccination status and discrimination from choosing not to be vaccinated for COVID-19.
- 4.3. The failure of these laws during the coronavirus pandemic demonstrated that a federal human rights act is urgently required to protect people's consent and freedom from coercion for medical procedures.
- 4.4. We support the comments made by Dr Watchirs, Human Rights Commissioner (ACT), that 'there is nothing to fear from introducing human rights legislation'.
- 4.5. There is no doubt that a gap in Australia's discrimination and industrial relations laws requires urgent remediation. One way this can be achieved is by implementing national human rights laws that reduce the capacity of institutions and private entities to engage in wholesale discrimination of 'whole classes' of persons.
  - 4.5.1. For example, many people during the coronavirus pandemic have essentially had a disability imputed<sup>19</sup> upon them because they have not followed coercive Federal and State Government directives and policy advice, resulting in many private organisations imparting these government directives upon employees and patrons.

### A. Australian Human Rights Commission

- 4.6. We support the Australian Human Rights Commission's ("AHRC") recommendation for a Federal Human Rights Act.<sup>20</sup>
- 4.7. We agree with the AHRC that Australia has "patchy human rights protections", as referred to in their 'Position Paper, A Human Rights Act for Australia' ("**Position Paper**").<sup>21</sup>

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<sup>19</sup> See section 70 of our submissions for a detailed discussion on impugned disability.

<sup>20</sup> Australian Human Rights Commission (2022), 'Free & Equal, Position Paper: A Human Rights Act for Australia', p 101.

<sup>21</sup> Ibid, pp 46–59.

- 4.8. We draw the Committee's attention to recommendation 9 of the AHRC's submission to this inquiry:

*The Australian Government should ensure that the Australian Human Rights Commission is appropriately and sustainably resourced to perform its functions, in accordance with the Paris Principles.*<sup>22</sup>

- 4.9. In our experience, our human rights law team have witnessed several matters going through the AHRC conciliation process to take more than 12 months to complete. We note that significant delays could be due to the underfunding of the Commission, as reflected in their submission. Whilst we endorse the primary avenue for consumers with a human rights issue to be triaged by the AHRC, consumer choice is essential to facilitate better access to justice.
- 4.10. We note that the AHRC is the primary contact in determinations relating to public authorities' breaches that can be restrictive to consumers, mainly where the parties have already engaged in extensive pre-litigation processes.
- 4.11. A consumer-choice alternative dispute resolution structure should be considered at a federal level. However, if the Committee finds that all human rights-related matters be channelled through the AHRC, then appropriate funding of the AHRC is essential for the timely administration of justice.

## 5. Protection of Human Rights – State and Territories Context

**TOR:** *The effectiveness of existing human rights Acts/Charters in protecting human rights in the Australian Capital Territory, Victoria and Queensland, including relevant caselaw, and relevant work done in other states and territories.*

- 5.1. Victoria, Queensland, and the Australian Capital Territory have Human Rights Acts that require governments to act consistently with human rights and to consider human rights in law, policy and practice thoroughly.<sup>23</sup>
- 5.2. We note that there are very few direct legal protections for human rights in Australia which became evident during the COVID-19 pandemic.
- 5.3. Although Victoria has a Human Rights Act, we note that during the pandemic, breaches of human rights occurred such as the hard lock down of public housing residents at 33 Alfred St North Melbourne.<sup>24</sup> The Victorian Ombudsman found that the immediate start to the detention had not been based on medical advice and had breached human rights rules.<sup>25</sup>

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<sup>22</sup> Australian Human Rights Commission, Submission (1): *Inquiry into Australia's Human Rights Framework*, (May 2023) p 25.

<sup>23</sup> <https://humanrights.gov.au/about/covid19-and-human-rights/how-are-our-human-rights-protected-law-australia-during-covid-19>.

<sup>24</sup> <https://www.dhhs.vic.gov.au/publications/progress-report-33-alfred-street>.

<sup>25</sup> <https://www.theguardian.com/australia-news/2020/dec/17/melbourne-public-housing-covid-lockdown-violated-human-rights-victorias-ombudsman-finds>.

- 5.3.1. We support recommendations 2 to 5 of the Victorian Ombudsman investigative report and the commentary provided by the Inner Melbourne Community Legal Centre which can be found on their webpage.<sup>26</sup>
- 5.3.2. In summary the Victorian Ombudsman's recommendations are:
- Recommendation 2: Introduce independent oversight of state of emergency powers, expanding on the recommendation by the Victorian Ombudsman's Investigation.
  - Recommendation 3: Engage the Anti-Racism Taskforce to investigate the stereotypical assumptions about residents that erroneously informed decision-making.
  - Recommendation 4: Legislate for adequate oversight of police powers.
  - Recommendation 5: Use enforcement and penalties such as fines as a measure of last resort.

## 6. Impact of pandemic decision-making on fundamental human rights

- 6.1. The impact on the fundamental human rights of Australians during the pandemic has been unprecedented, with quasi-legislation being enacted daily by State and Territory governments' executive arm during the coronavirus pandemic.
- 6.2. This demonstration of government instability in administrative decision-making brought a tsunami of fear that swept across Australia and shackled citizens into a new way of living under government control.
- 6.3. We note the Hon. Katy Gallagher's comments to reporters in Canberra that a royal commission into the pandemic is warranted because the Senate Covid Committee had been "prevented" from accessing crucial information.<sup>27</sup>
- 6.4. The freedom to visit loved ones, go to the gym or sit on a park bench are just a few of the arbitrary measures put in place during the COVID-19 outbreak.
- 6.5. We refer to the unprecedented government controls that affected citizens' private lives, restricting their ability to associate with others, engage in social and cultural activities, or attend work during the past three years. Given the daily changes, these orders took time for people to understand and follow.
- 6.5.1. For example, the NSW government introduced 46 Regulations and 70 Public Health Orders in 2020. Then in July 2021, the NSW Minister for Health and Medical Research amended one Public Health Order 13 times in 15 days.<sup>28</sup>

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<sup>26</sup> Inner Melbourne Community Legal 'Public housing residents continue to be fearful one year on that the hard lockdown could happen again', (2021). Available at: <<https://imcl.org.au/news/media-releases-1/public-housing-residents-continue-to-be-fearful>>.

<sup>27</sup> <https://www.theguardian.com/world/2022/apr/07/australias-covid-response-should-be-examined-by-royal-commission-senate-inquiry-recommends>

<sup>28</sup> <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8977426/>; <https://cclj.unsw.edu.au/article/cclj-releases-report-criminalisation-through-covid-19-penalty-notices>.

- 6.5.2. This high-volume, high-speed law-making period saw over 120 principal orders and amendments made in 6 months,<sup>29</sup> significantly changing the lives of individuals in NSW.
- 6.6. In Victoria, Chief Health Officer Brett Sutton was provided with broad coercive powers under the state of emergency declaration, which gave rise to more than 300 public health directions that dictated how and when people could leave their homes, work, pray, play, eat, drink and breathe without a mask.<sup>30</sup>
- 6.7. In both NSW and Victoria, exercising coercive powers by the respective executive arm of government was accompanied by the suspension of parliament and an absence of transparency.
- 6.8. Liberty Victoria president Julia Kretzenbacher in her discussion when referring to the Victorian government's public health responses (that lacked transparency surrounding its decisions and their compatibility with human rights), highlighted that the curfews and lockdowns of low socioeconomic groups in the housing commission towers in Melbourne without notice left many people without basic food provisions.<sup>31</sup>
- 6.9. Ms Kretzenbacher stated:  
*"The pandemic exposed the weakness of Australia's human rights protections"*.<sup>32</sup>
- 6.10. In the following subsections, we provide a commentary on the impact on citizens' fundamental human rights from government pandemic decision-making for the Committee's consideration.

## B. Lockdowns

- 6.11. The COVID-19 era disrupted the lives and businesses of Australians as Federal, State and Territory governments-imposed lockdowns based on 'modelling data' to curb the outbreak.<sup>33</sup> However, we submit that these administrative and policy decisions gave rise to unfettered delegated powers to unelected health bureaucrats nationwide that infringed fundamental human rights of all Australians.
- 6.12. According to a recent report by Herby J et al., following a systematic review and meta-analysis to determine the effect of lockdowns, concluded that the restrictions did little to reduce COVID-19 mortality.<sup>34</sup>

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<sup>29</sup> <https://cclj.unsw.edu.au/article/cclj-releases-report-criminalisation-through-covid-19-penalty-notices>

<sup>30</sup> <https://www.smh.com.au/national/freedom-interrupted-will-the-liberties-we-lost-to-covid-be-regained-20211001-p58wce.html>.

<sup>31</sup> <https://www.smh.com.au/national/freedom-interrupted-will-the-liberties-we-lost-to-covid-be-regained-20211001-p58wce.html>.

<sup>32</sup> Ibid.

<sup>33</sup> The implementation of lockdowns was a key policy used by governments to curb the spread of COVID-19 and keep the number of infections under control. But these models were based on something other than underlying theoretical principles developed by scientists on how the disease spreads.

<sup>34</sup> Herby, J., Jonung, L., & Hanke, S. H. (2023). 'Did lockdowns work? The verdict on Covid restrictions'. (IEA Perspectives; No. 1). IEA. Available at < <https://iea.org.uk/publications/did-lockdowns-work-the-verdict-on-covid-restrictions/>>.

## *Students*

- 6.13. During the shutdown of educational institutes across the country, students suffered extreme stress due to the disruption to their studies. Particularly those preparing to sit their HSC. We refer to the testimony of an HSC student whose world shrunk to the size of their bedroom. Like many other students during the shutdowns and closure of schools across the country, this year 12 student's bedroom was transformed from being a sanctuary for sleep and relaxation to becoming his classroom and lunchroom.<sup>35</sup>
- 6.14. During the lockdowns, students faced uncertainty, struggling to keep up with rapidly-changing plans for their year 12 studies. These constant government changes were confusing for students. For example, the NSW government announced a return-to-school plan for a particular date but then later wound that back and told the affected students they must now stay at home.<sup>36</sup>

## *Domestic Violence*

- 6.15. We draw the Committee's attention to the impact of lockdowns on persons living in domestic violence situations.
- 6.16. Vulnerable populations, particularly women and girls, are disproportionately affected by the COVID-19 pandemic. Globally, it is anticipated that for every three months countries impose lockdown measures, there will be an additional 15 million cases of intimate partner violence.<sup>37</sup> The affected people are then forced to stay in violent situations due to lockdowns and abuse of fundamental human rights to live in a safe environment.
- 6.17. A survey of 15,000 women in May 2020 showed that one in 12 experienced physical violence from their live-in partner during the pandemic's first three months when most Australians were locked down.
- 6.18. More than one in five women experienced emotionally abusive and controlling behaviour from their live-in partners.

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<sup>35</sup> Jordan Baker, *'Politics, a pandemic, and the HSC: How it all went off the rails'*, (SMH 2021). Available at: <<https://www.smh.com.au/national/nsw/politics-a-pandemic-and-the-hsc-how-it-all-went-off-the-rails-20210804-p58fye.html>>.

<sup>36</sup> Ibid.

<sup>37</sup> Joint Standing Committee on Foreign Affairs, Defence and Trade, *'Inquiry into the implications of the COVID-19 pandemic for Australia's foreign affairs, defence and trade'*, (Family Planning Australia, Submission 31, p. 2). Available at: <[https://www.aph.gov.au/Parliamentary\\_Business/Committees/Joint/Foreign\\_Affairs\\_Defence\\_and\\_Trade/FADTandglobalpandemic/Submissions](https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Foreign_Affairs_Defence_and_Trade/FADTandglobalpandemic/Submissions)>.

- 6.19. The consequence of the government's lockdown orders forced victims of domestic violence to stay in their home and be monitored by their abuser 24/7 without being able to leave or access to support.<sup>38</sup>
- 6.20. Hayley Foster, the chief executive of Full Stop Australia, said, 'the frequency and severity of violence in the home had escalated during lockdowns'.<sup>39</sup>

### *Public Housing*

- 6.21. *We recommend that Legislative Provisions are enacted to protect against public safety powers' overreach.*
- 6.22. By way of example, on 4 July 2020, the Victorian Government unilaterally detained around 3,000 public housing residents without notice. Within an hour, an estimated 300 police turned up outside their homes.<sup>40</sup> Consequently, families were not given time to prepare. They could not buy essential supplies, food, medicine, or baby formula.
- 6.23. We note that no other section of the Victorian community was treated like this.
- 6.24. The Victorian Ombudsman found that the immediate start to the detention had not been based on medical advice and had breached human rights rules.<sup>41</sup>
- 6.25. A year on from this event, residents are still affected by the government's adverse decision-making that impacted their fundamental human rights.<sup>42</sup>

### *Ethnic Communities and Racial discrimination*

- 6.26. The ethnic communities in Western and South Western Sydney suffered hard lockdowns with curfews in place, Police Helicopters circling above their homes at night and during the day. Police presence was on nearly every corner in their suburbs.
- 6.27. These measures were put in place by the NSW State Government.
- 6.28. We note that former Premier Domonic Perrottet stated:

*"There is no evidence that vaccines stop transmission."*<sup>43</sup>

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<sup>38</sup> <https://www.abc.net.au/news/2022-01-21/covid-19-pandemic-was-perfect-conditions-for-domestic-violence/100770418>.

<sup>39</sup> <https://www.abc.net.au/news/2022-01-21/covid-19-pandemic-was-perfect-conditions-for-domestic-violence/100770418>.

<sup>40</sup> Inner Melbourne Community Legal 'Public housing residents continue to be fearful one year on that the hard lockdown could happen again', (2021). <https://imcl.org.au/news/media-releases-1/public-housing-residents-continue-to-be-fearful>.

<sup>41</sup> <https://www.theguardian.com/australia-news/2020/dec/17/melbourne-public-housing-covid-lockdown-violated-human-rights-victorias-ombudsman-finds>

<sup>42</sup> Above n. 40.

<sup>43</sup> <https://www.2gb.com/vaccines-do-not-stop-transmission-dominic-perrottet/>.

- 6.29. We submit that these communities suffered the most under State delegated instruments that did not produce human rights compatibility statements, did not factor in human rights, and did not provide support to these vulnerable communities.

## C. Social Distancing and Isolation

### **Home detention**

- 6.30. On 29 March 2020, the Australian government instructed all older people to voluntarily self-isolation in their own homes and then, on 30 March 2020, prohibited gatherings of more than two people in public places nationwide.
- 6.31. Non-symptomatic citizens were locked in their homes under stay-at-home orders by State and Territory governments. These orders allowed one person per household to leave home for essential shopping or one hour of exercise daily. Family members and visitors were banned from attending private residences if they did not reside there.
- 6.32. In the following subsections, we provide for the Committee's consideration the following commentary on some of the impacts on various groups within the Australian community.

### *Impact on single parents*

- 6.33. The NSW state government rules during the pandemic stay-at-home orders that only allowed one person per household to buy essential food supplies did not adequately factor in the practical implications on single-parent families.
- 6.33.1. For example, a single parent who was unable to get childcare was refused entry into a supermarket to shop for essential food and groceries.<sup>44</sup>
- 6.34. We highlight that an emergency declaration was not enacted in NSW as noted in *Kassam v Hazzard*.<sup>45</sup>

### *Impact on people in palliative care*

- 6.35. People in palliative care could not receive visits from family members during lockdowns. Consequently, some people died alone without family.

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<sup>44</sup> <https://www.dailymail.co.uk/news/article-9850375/Gosford-NSW-Security-guard-refuses-let-single-mum-two-young-kids-Woolworths.html>.

<sup>45</sup> *Kassam v Hazzard* [2021] NSWSC 1320.



### *Impact on older persons*

- 6.36. Elderly persons without a designated carer were left vulnerable and without support due to the 5km travel rule in Sydney.

### *Impact on single persons*

- 6.37. The mental health impact on single persons living alone during the initial pandemic lockdowns was not factored into the decision-making process until advocates raised these issues.
- 6.38. NSW later introduced the social bubble scheme that allowed people living by themselves to nominate one person to visit them.<sup>46</sup>
- 6.39. However, there were restrictions which meant that those living in rural areas that did not have family or friends living within 10 km from them were excluded from benefiting from this scheme.
- 6.40. We recommend that in future pandemics or health emergencies, governments do not make blanket rules that unfairly deal with people living in rural areas.
- 6.40.1. For example, a 5- or 10km travel restriction cannot practically work in some rural areas as people must travel more than 10km to their nearest supermarket.

### *Impact on persons with a disability*

- 6.41. People with a disability without a designated carer were left vulnerable and without support due to the 5km travel rule in Sydney.

## **D. Closure of Early childhood centres, Schools, Parks**

- 6.42. We note the closure of playgrounds, gym equipment, and skate parks look like crime scenes, cordoned off so children, and teens will stay away.<sup>47</sup>
- 6.43. These measures enacted by the federal government during COVID-19 adversely affected people living in small units or apartments with no balconies or access to fresh air.

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<sup>46</sup> <https://www.sbs.com.au/language/english/en/article/how-does-the-singles-social-bubble-for-nsw-residents-work/tme319k9h>.

<sup>47</sup> <https://thewest.com.au/news/coronavirus/coronavirus-crisis-perth-playgrounds-and-outdoor-gyms-banned-resemble-crime-scenes-under-new-lockdown-rules-ng-b881504226z>

## E. Closure of non-essential businesses

- 6.44. Small business community disproportionately affected by these lockdown orders. Whilst big business thrived and made huge profits.

## F. Closure of places of worship – churches

- 6.45. From 23 March to early July 2020, all churches and other places of worship in Australia were closed due to concerns about COVID-19 transmission<sup>48</sup> under the [\*Public Health \(COVID-19 Temporary Movement and Gathering Restrictions\) Order 2021\*](#) (No 282 of 2021) (“the TMGR Order”).
- 6.46. In times of crisis, such as the global COVID-19 pandemic, protecting human rights and preserving religious freedoms become paramount. Australia, as a democratic nation, places great importance on safeguarding individual liberties and promoting diversity, including the freedom of religion. This essay explores the significance of human rights protections during the COVID-19 pandemic, particularly with regard to the exercise of religious beliefs in Australia. It will examine the Australian legal framework, including the Australian Constitution and Freedom of Religion, to highlight the measures in place to uphold human rights, safeguard religious freedom, and ensure the well-being of all citizens during challenging times.

## I. Human Rights Protections in Australia

- 6.47. Australia, as a signatory to numerous international treaties and conventions, is committed to protecting human rights. The most prominent among these agreements is the Universal Declaration of Human Rights (“UDHR”), which enshrines fundamental rights and freedoms for all individuals, regardless of race, religion, or creed. Additionally, Australia has ratified other international human rights instruments, such as the International Covenant on Civil and Political Rights (“ICCPR”) and the International Covenant on Economic, Social, and Cultural Rights (“ICESCR”).
- 6.48. The AHRC plays a vital role in promoting and protecting human rights within the country. Its mandate includes investigating complaints of discrimination and advocating for policies that uphold human rights standards. The AHRC acts as a safeguard against potential human rights violations during the pandemic, ensuring that measures taken to combat COVID-19 do not infringe upon the rights of individuals, including those pertaining to religious freedom.

## II. The Importance of Maintaining Religion during COVID-19

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<sup>48</sup> Martyr P, ‘*Australian Catholics' Lived Experiences of COVID-19 Church Closures*’, (J Religion Health. 2023). Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10139658/>; see also *Athavle v State of New South Wales* [2021] FCA 1075.

- 6.49. The COVID-19 pandemic has brought about unprecedented challenges to communities worldwide. During these trying times, religion can play a crucial role in providing comfort, support, and a sense of community. Religious practices can help individuals cope with stress, foster hope, and promote resilience. Many religious groups have adapted to the pandemic's restrictions by offering virtual services, online prayer sessions, and other innovative ways of connecting with their congregations while adhering to health guidelines.
- 6.50. Moreover, religious institutions often engage in charitable activities and social services, supporting vulnerable communities affected by the pandemic. These efforts underscore the significance of preserving religious freedom, as religious organizations can provide essential aid during times of crisis.

### III. Australian Law and Freedom of Religion

- 6.51. The Australian Constitution does not explicitly mention freedom of religion as a fundamental right. However, several provisions implicitly safeguard religious freedom. Section 116 of the Australian Constitution, for instance, prohibits the Commonwealth from making any law establishing a religion, imposing religious observance, or restricting the free exercise of religion. While this section applies to federal laws, various states and territories have laws that protect religious freedoms.
- 6.52. No better case outlines the contentions of protecting religious freedoms in Australia than the case of *Athavle v State of New South Wales* [2021] FCA 1075. Here the courts were asked to decide on matters relating to a right to engage in religious practices during the Covid lockdowns. At a time when one could visit a bottle shop to purchase alcohol, enter stores and attend brothels using social distancing (*except the brothel customers, of course*), religious patrons were prevented from practising their faith and congregating.
- 6.53. The contentions arose from Mr Athavle and Others being unable to engage with the community to provide needed social support, services and food for the needy. Indeed, despite exemptions being requested for patrons to attend church in their cars in the car park with the service beamed over the radio, this, too was prevented by the misconceived public health Orders.
- *The interlocutory application filed on the 31 August 2021 was dismissed by Judge Griffiths. The court acknowledged that the applicants' motives and concerns to achieve appropriate recognition were sincere and genuine as they were attempting to protect their religious faith and responsibilities. However, it was believed by Judge Griffiths that the concerns of the applicants are best addressed in forums other than the courts.*
  - *Furthermore, Judge Griffiths ordered the applicants to pay the costs of the respondents.*
  - *Judge Griffiths dismissed Mr King's wishes to bring the interlocutory application in the public interest, claiming that this wish is prompted by the fact that the interlocutory relief would only benefit the three applicants and their congregations, and not the broader religious community.*

### **Decision:**

- *Relating the Constitutional right to freedom of religion, the court ruled that the Commonwealth and State legislative powers did not prohibit the free exercise of any religion.*

6.53.1. Although this decision will go down in Australian history as one of the utmost hypocrisies, it was only a short time after the decision was handed down that the Government (after media attention) advised the community that the places of religion would reopen.

### **IV. Balancing Human Rights Protections and Public Health**

6.54. During the COVID-19 pandemic, public health measures were implemented to curb the spread of the virus. Some of these measures, such as lockdowns and restrictions on gatherings, have raised concerns about their potential impact on religious freedom.

6.55. Balancing public health imperatives with human rights is a delicate task. The Australian government has sought to strike a balance by ensuring that restrictions are proportionate, non-discriminatory, and respectful of human rights principles. These measures were intended to protect public health and individuals' rights, including the right to practice religion. But the result was far worse; with tens of millions of taxpayer dollars provided, the places of religion became an apparatus of the State.

6.56. As we move into a more transparent understanding of Covid with the survival rates far greater than what was reported during Covid, we will one day look back and ask ourselves, where was the Human rights lobby?

### **Conclusion**

6.57. The COVID-19 pandemic has underscored the importance of human rights protections, especially the right to religious freedom, in Australia. The country's commitment to upholding international human rights standards, as well as its legal framework that safeguards religious liberties, ensures that individuals can continue to exercise their faith even in challenging times.

6.58. Maintaining religion during the pandemic is vital for individuals and communities' emotional and psychological well-being. Religious institutions can offer solace, support, and assistance to those affected by the crisis. By balancing human rights protections and public health measures, Australia can navigate the pandemic complexities while upholding the rights and freedoms of all its citizens. By locking down society, the very essence of the social support for the needy and vulnerable was removed and perhaps even worse was the silence from the institutions that would and should have done more to protect the independence of religions and their role in the community.

## G. Closure of Non-COVID-19 Health Related Services

### *Reproductive Health Services*

- 6.59. The whole of government focus on COVID-19 and associated task shifting has been at the detriment of sexual and reproductive health services for many Australians.<sup>49</sup>
- 6.60. According to International Consortium for Sexual and Reproductive Health and Rights:  
*The COVID-19 pandemic has led to a rapid redirection of health services as countries prepare and respond. In healthcare we have seen resource reallocation and re-prioritisation, decision-making based on fear with minimal evidence.*<sup>50</sup>
- 6.61. We note that other health services such as breast cancer screening clinics were closed during the shutdowns.<sup>51</sup>

## H. Border Closures

### *Closure of International Borders*

6.62. Many Australian citizens including our director were unable to attend family funerals due to the exit ban.

6.63. To put this in context we list a brief chronology of the initial events below.

**15 March 2020:** Federal government announces a mandatory 14-day quarantine for all those entering the country. Cruise ships are banned from docking at Australian ports until further notice.

**18 March 2020:** According to media reports the Australian government, places a ban on citizens from travelling abroad. The ban is valid for an indefinite period of time, said the Prime Minister in a statement.

**19 March 2020:** Qantas Airways Ltd, announces it will halt all international flights from late March until at least the end of May 2020 due to government restrictions on overseas travel. Two-thirds of its workforce are placed on leave.<sup>52</sup>

Implications of this decision result in: The airline grounding 160 planes, cutting its domestic capacity by 60% and standing down 20,000 workers who are no longer needed.<sup>53</sup>

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<sup>49</sup> Above n. 31, p. 1.

<sup>50</sup> Ibid.

<sup>51</sup> <https://www.dailymail.co.uk/news/article-9875675/BreastScreen-NSW-forced-close-Sydneys-Covid-lockdown.html>;

<https://www.skynews.com.au/australia-news/coronavirus/breast-screen-cancer-screening-service-forced-to-close-during-sydneys-lockdown/news-story/e91af2cb381e4a357afc7220a13264c1>.

<sup>52</sup> <https://www.reuters.com/article/us-health-coronavirus-qantas/qantas-to-cease-international-flying-tells-majority-of-workforce-to-take-leave-idUSKBN21602W>.

<sup>53</sup> Ibid.

**20 March 2020:** Australian Government closes its borders to foreign citizens. Exceptions to this rule apply to people who are residents in Australia, as well as their close family members.

**8 August 2020:** The ban on international flights at Melbourne airport has been extended until 24 October.<sup>54</sup>

### *Closure of Domestic Borders*

6.64. The closure of State and Territory borders caused chaos, financial hardship and emotional trauma to many Australians.

6.65. We submit that State Premiers and Territory Chief's made orders disproportionate to the health risk.

6.65.1. By way of example, despite the ACT having no active COVID-19 cases, the Queensland authorities declared the ACT Territory as hotspot and closed their borders on 8 August 2020. NSW was included in this border closure.<sup>55</sup>

6.66. Indeed, the NSW health minister, Brad Hazzard, said at a press conference on 9 September 2020 that he was "appalled" by Queensland's decision to keep the border shut.

*"I can only express my anger, my supreme anger, at the Queensland premier's decision, which in my view broadly across the border currently is nothing more than base, loopy politics,"* Hazzard said.<sup>56</sup>

"I'm appalled by what's going on up there."

6.67. To put this in context we list a brief chronology (not exhaustive) of events below.

### **Domestic flights suspended across Australia:**

**9 April 2020:** Virgin Australia announced that all domestic flights will be suspended. The only exception is a daily flight from Sydney to Melbourne. The suspension of the flights is expected to last until 15 June 2020.<sup>57</sup>

**Impact:** Virgin puts most of its workforce on leave.

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<sup>54</sup> [https://www.skynews.com.au/details/\\_6179353898001](https://www.skynews.com.au/details/_6179353898001).

<sup>55</sup> <https://www.theguardian.com/australia-news/2020/aug/05/queensland-to-enforce-hard-border-closure-with-nsw-and-act-from-saturday>.

<sup>56</sup> <https://www.theguardian.com/world/2020/sep/09/nsw-ramps-up-criticism-of-queensland-border-closure-accusing-state-of-playing-loopy-politics>.

<sup>57</sup> <https://www.straitstimes.com/asia/australianz/coronavirus-virgin-australia-grounds-almost-all-domestic-flights-seeks-government>.

### **NSW Border Closures:**

**4 September 2020:** The state of New South Wales expands its border region between NSW and Victoria to 50 kilometres. Border zone residents and workers will need a **border entry permit** to enter NSW. Outside the border region, residents returning to NSW from Victoria must enter NSW through the Sydney airport and will be required to go into hotel quarantine for 14 days at their own expense.<sup>58</sup>

### **Victoria Border Closures:**

**13 September 2020:** Nighttime curfew, restrictions on visitors to homes, and the limit on travelling more than five kilometres will remain in effect in Melbourne until 26 October 2020.

### **Queensland Border Closures:**

**8 August 2020:** Queensland state borders are closed to travellers from New South Wales and the Australian Capital Territory.<sup>59</sup> Borders were closed to travellers from Victoria earlier.

**3 April 2020:** Police-controlled checkpoints introduced at the borders of Queensland.<sup>60</sup> All travellers require a **Border Pass**<sup>61</sup>

The impact of these closures involved the erecting of the great wall of Coolangatta, about a metre high, constructed of hollow plastic and filled with water. These barriers stretched across eight suburban back streets, separating neighbours in Queensland and New South Wales.<sup>62</sup>

### **Western Australia Border Closures:**

**25 March 2020:** 800 Australian passengers from the cruise ship *Vasco da Gama*, moored off Fremantle, are quarantined on Rottnest Island.

A major campaign began to test people who are currently stuck on eight cruise ships off the Australian coast. According to media reports, a total of 18 ships with about 15,000 people on board are said to be off Australia.

**6 April 2020:** Hard Border Closure enacted - Western Australia closes its borders to all travellers. In addition, the local government areas of Broome, Derby-West Kimberley, Halls Creek and Wyndham-East Kimberley are sealed off within the state.<sup>63</sup>

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<sup>58</sup> <https://www.osac.gov/Content/Report/170a6d65-5198-4e9f-aba4-199104db2beb>.

<sup>59</sup> <https://www.skynews.com.au/australia-news/coronavirus/melbourne-extends-international-flights-ban/video/ecd58ecac31c5b18ed0eb438646cf49c>.

<sup>60</sup> <https://www.theguardian.com/australia-news/2020/apr/03/queensland-bolsters-border-closure-with-barriers-and-checkpoints-to-keep-coronavirus-at-bay>.

<sup>61</sup> <https://mypolice.qld.gov.au/news/2020/12/22/gold-coast-border-checkpoints-and-hard-road-closures/>.

<sup>62</sup> Above n.60.

<sup>63</sup> <https://thewest.com.au/news/coronavirus/coronavirus-crisis-premier-mark-mcgowan-announces-hard-border-closure-for-wa-ng-b881508092z>.

Premier Mark McGowan stated:

*“In effect we’ll be turning Western Australia into an island within an island, **our own country.**”*<sup>64</sup>

The Premier told Western Australians who were outside of WA to return home by Sunday midnight or they would be flown back to the State they came from if they did not have an exemption.<sup>65</sup>

In effect Western Australians were given around 36 hours to return home.

### **Tasmanian Border Closures:**

**18 August 2020:** According to reports from Tuesday, Tasmania's borders will remain closed until at least 01 December 2020.<sup>66</sup>

### **Northern Territory Border Closures:**

**24 March 2020:** Access to the Northern Territories is severely restricted. Persons entering the area are to be quarantined for two weeks.

## **I. Mandatory Facemasks**

### *Impact on persons with a disability*

6.68. We note a few examples of persons with a disability that did not wear a mask.

6.69. In NSW, a disabled, ethnic man who did not wear a mask in a supermarket mall but had a valid medical exemption suffered a severe medical episode that left him unconscious while detained by NSW Police. The Police stood by, leaving the man without medical intervention and kept the handcuffs on him with his arms behind his back during the medical episode. His distraught family stood by, crying while the inhumane treatment occurred. Defence lawyer Elias Tabchouri told 7NEWS:

*“The footage of someone being defibrillated whilst being handcuffed is some of the most distressing footage I’ve ever seen.”*<sup>67</sup>

6.70. We refer to another example, that involved a man residing in Queensland who reportedly suffered a heart attack while being cuffed for not wearing a mask outside.<sup>68</sup>

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<sup>64</sup> <https://thewest.com.au/news/coronavirus/coronavirus-crisis-premier-mark-mcgowan-announces-hard-border-closure-for-wa-ng-b881508092z>.

<sup>65</sup> <https://thewest.com.au/news/coronavirus/coronavirus-crisis-premier-mark-mcgowan-announces-hard-border-closure-for-wa-ng-b881508092z>.

<sup>66</sup> <https://www.abc.net.au/news/2020-08-18/coronavirus-tasmania-borders-closed-till-december/12569504>.

<sup>67</sup> <https://7news.com.au/lifestyle/health-wellbeing/three-charged-after-altercation-with-police-over-mask-refusal-at-bass-hill-plaza-c-3928196>.

<sup>68</sup> <https://nypost.com/2021/08/04/man-has-heart-attack-while-cuffed-for-not-wearing-mask-report/>.



## J. Mental Health of Australians

### *Unvaccinated Australians*

- 6.71. According to a report by the Australian Institute of Health and Welfare, ‘sudden loss of employment and social interaction have impacted the mental health of many Australians.’<sup>69</sup>
- 6.72. According to State and Territory Government Orders, unvaccinated Australians were segregated as a separate population class while the restrictions on vaccinated people were lifted.
- 6.73. The unvaccinated population faced unprecedented discrimination, such as not being able to buy non-essential items like shoes and stationery and attend personal services such as a hairdresser.<sup>70</sup>
- 6.74. We submit that these Orders were disproportionate to the risks of transmitting the virus, considering that reports have found that fully vaccinated individuals can transmit infection in household settings, including to fully vaccinated contacts.<sup>71</sup>
- 6.75. We submit that vaccine mandates and the discrimination people have faced due to choosing not to have a COVID-19 vaccination has negatively impacted their mental health.

## 7. Novel COVID-19 Vaccines

- 7.1. Since the beginning of the lockdowns and vaccination mandates, we have been on the front line, in the trenches advocating for thousands of Australians who were suffering in silence, locked out of their workplaces, scrutinised, ostracised, belittled, bullied and threatened with termination from their employment based on their COVID-19 vaccination status.

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<sup>69</sup> Australian Institute of Health and Welfare, *Mental health impact of COVID-19*, 2022, Australian Government.

<sup>70</sup> NSW threatens ‘jail time’ for unvaccinated people entering businesses without passport: <<https://www.news.com.au/finance/business/retail/nsw-threatens-jail-time-for-unvaccinated-people-entering-businesses-without-passport/news-story/a4268bb8da7854bcac84e70330ede412>>.

<sup>71</sup> Anika Singanayagam et al., ‘Community transmission and viral load kinetics of the SARS-CoV-2 delta (B.1.617.2) variant in vaccinated and unvaccinated individuals in the UK: a prospective, longitudinal, cohort study,’ (2021 *Lancet Infect Dis*) Available at <[https://www.thelancet.com/journals/laninf/article/PIIS1473-3099\(21\)00648-4/fulltext](https://www.thelancet.com/journals/laninf/article/PIIS1473-3099(21)00648-4/fulltext)>; <<https://www.theguardian.com/world/2021/oct/28/covid-vaccinated-likely-unjabbed-infect-cohabiters-study-suggests>>; Commonwealth, *Parliamentary Debates*, Senate, 8 February 2023, 218 (Matthew Canavan, Senator) (‘Second Reading Speech’).

Dominic Perrottet: ‘Vaccines do not stop Covid-19 transmission’ comment, Available at: <<https://www.news.com.au/lifestyle/health/health-problems/dominic-perrottet-vaccines-do-not-stop-covid19-transmission/news-story/1433cb985d99628c324b1dc6952241b4>>; <<https://www.2gb.com/vaccines-do-not-stop-transmission-dominic-perrottet/>>.

- 7.2. We note that citizens' civil rights of bodily autonomy, right to work and earn a living,<sup>72</sup> right to medical treatment,<sup>73</sup> right to access veterinary services,<sup>74</sup> and right to buy basic food supplies<sup>75</sup> were stripped away because of government policies placed on Australians by State Governments during the COVID-19 outbreak.
- 7.3. We believe that the development, manufacture and distribution of vaccines for COVID-19 were not conducted in ways that respect human rights.
- 7.4. In the following sections, we provide the following commentary concerning human rights and the COVID-19 vaccines for the Committee's consideration.

## K. Anti-Viral Medications

- 7.5. We believe that basic human rights of people to have access to health care was politicised and unnecessarily restricted in favour of the Federal, State and Territory governments vaccine policy.
- 7.6. We submit that at the behest of the World Health Organisation (“WHO”), the Australian Government was amongst a global push to suppress antivirals i.e., Hydroxychloroquine (“HCQ”) and Ivermectin, and destroy them from their national medical stockpiles. Notably, the five million doses of HCQ that Clive Palmer donated to the national medical stockpile, which on a directive from the Therapeutic Goods Administration (“TGA”), were allegedly sent to be destroyed in April 2021.<sup>76</sup>
- 7.7. The Australian government, under s 475 of the *Biosecurity Act 2015* (Cth), established the *Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) Declaration 2020* (“**The Declaration**”) to declare that a human biosecurity emergency exists.<sup>77</sup> Section 6(c) of the Declaration states that there was no antiviral treatment for COVID-19 immediately before the declaration was made.<sup>78</sup>

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<sup>72</sup> <https://www.dailymail.co.uk/news/article-10872895/2GBs-Ben-Fordham-exposes-Aussies-unable-work-Covid-vaccine-mandates-NSW.html> (Broke and suicidal: The desperate Aussies STILL unable to work due to draconian vaccine mandates that are destroying their lives - 'we didn't want to have the Covid job... so we are out of a job').

<sup>73</sup> <https://www.news.com.au/lifestyle/health/health-problems/no-jab-no-heart-mother-denied-transplant-due-to-vaccination-status/news-story/5580aca526744d15fe1a25e595ef7d76>; (A mother has been denied the opportunity to receive a heart transplant because she is not vaccinated for Covid-19, despite having a medical exemption.)

<sup>74</sup> We are aware that some people have been refused entry to Veterinary clinics due to their COVID-19 vaccination status – leaving their pets without medical treatment.

<sup>75</sup> <https://www.dailymail.co.uk/news/article-9850375/Gosford-NSW-Security-guard-refuses-let-single-mum-two-young-kids-Woolworths.html> (Single mum with two young kids refused entry into a Woolworths store to buy food supplies because of State Government lockdown rules only allowing one person in a family to buy essential food supplies. The mother had her two young children with her and could not leave them alone at home and had no one to look after them).

<sup>76</sup> <https://www.theguardian.com/australia-news/2021/oct/13/five-million-doses-of-hydroxychloroquine-destroyed-after-stand-off-between-clive-palmer-and-government>.

<sup>77</sup> Biosecurity (Human Biosecurity Emergency) (Human Coronavirus with Pandemic Potential) Declaration 2020 ‘Explanatory statement’, p 1.

<sup>78</sup> Ibid.

- 7.8. We question whether s 475 of the *Biosecurity Act 2015* (Cth), was used by the government to set the scene for the novel COVID-19 vaccines to be the only way forward out of the pandemic.
- 7.9. Heidi Wetzler, in her opinion article published on 27 May 2021 in Clarke County Today, highlights the virtual blackout of information that surrounded the global conversation of early treatment protocols in order to AVOID hospitalization and death.<sup>79</sup>
- 7.9.1. She raises an interesting point that there was no national or global panel of doctors in charge of early treatment protocols for COVID-19.<sup>80</sup> In questioning this phenomenon, Ms Wetzler stated:
- “Maybe it’s because a vaccine is only allowed to be produced if there are no effective treatments.”*<sup>81</sup>
- 7.10. We note that the Federal Government’s response to the COVID-19 public health emergency was to ensure all Australians had access to a COVID-19 vaccine.<sup>82</sup>
- 7.11. A delegate of the Secretary of the Department of Health under paragraph 52D(2)(a) of the *Therapeutic Goods Act 1989* (“**The Act**”) exercised their power to amend the Poisons Standard (the Poisons Standard June 2021) to restrict the prescribing of Ivermectin.
- 7.12. In referring to the amendment to subsection section 52E(1) of the Act, including paragraph 52E(1)(f), he stated:
- “It was considered necessary to make the amendment urgently in order to support the Australian Government’s response to the COVID-19 public health emergency.”*<sup>83</sup>

The response from the TGA:

- “There are a number of significant public health risks associated with taking ivermectin in an attempt to prevent COVID-19 infection rather than getting vaccinated.”*<sup>84</sup>
- 7.13. We note that ivermectin’s use by the general public for coronavirus was strongly discouraged by the National COVID-19 Clinical Evidence Taskforce, the World Health Organisation and the US Food and Drug Administration.<sup>85</sup>

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<sup>79</sup> Heidi Wetzler, ‘Opinion: We should be questioning the global suppression of early treatment options for COVID-19’, Clarke County webpage. Available at: <https://www.clarkcountytoday.com/opinion/opinion-we-should-be-questioning-the-global-suppression-of-early-treatment-options-for-covid-19/>.

<sup>80</sup> Ibid.

<sup>81</sup> Ibid.

<sup>82</sup> Australian Government Department of Health and Aged Care, ‘Our Response to the Pandemic’. Available at: <https://www.health.gov.au/health-alerts/covid-19/government-response>.

<sup>83</sup> Notice of an amendment to the current Poisons Standard under paragraph 52D(2)(a) of the Therapeutic Goods Act 1989, (published 10 September 2021). Available at: <https://www.tga.gov.au/resources/publication/scheduling-decisions-final/notice-amendment-current-poisons-standard-under-paragraph-52d2a-therapeutic-goods-act-1989-0>.

<sup>84</sup> <https://www.news.com.au/world/coronavirus/australia/australian-gps-banned-from-prescribing-ivermectin-to-covid19-patients/news-story/6291379ada4720568584c7717651f794>.

<sup>85</sup> Ibid.

7.14. We provide a chronology of the events surrounding the banning of HCQ and Ivermectin as early treatments for COVID-19 below for the Committee's consideration.

Date	Event	Reference Link
1955	HCQ Hydroxychloroquine was approved for medical use in the United States	See: <a href="https://go.drugbank.com/drugs/DB01611">https://go.drugbank.com/drugs/DB01611</a>
1970	Ivermectin discovered.	<a href="https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3043740/">https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3043740/</a>
1987	Ivermectin registered for human use	<a href="https://www.nature.com/articles/ja201711">https://www.nature.com/articles/ja201711</a>
1988	Ivermectin proved to be even more of a 'Wonder drug' in human health, improving the nutrition, general health and wellbeing of billions of people worldwide ever since it was first used to treat Onchocerciasis in humans in 1988.	<a href="https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3043740/">https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3043740/</a>
1997	The patent on Ivermectin expired	<a href="https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3043740/">https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3043740/</a>
June 2019	Hydroxychloroquine is on the World Health Organization's List of Essential Medicines.	World Health Organisation webpage, '21st WHO Model list of essential medicines' p.51. Available at: <a href="http://apps.who.int/iris/handle/10665/325771">http://apps.who.int/iris/handle/10665/325771</a>
<b>2020</b>		
17 March 2020	Professor David Paterson from the Royal Brisbane and Women's Hospital (RBWH) and University of Queensland was paraphrased saying the two drugs – understood to be an HIV drug and hydroxychloroquine – had "wiped out the virus in test tubes". One of the drugs, given to some of the first COVID-19 patients in Australia, "had already resulted in 'disappearance of the virus' and complete recovery". Professor Paterson, it continued, said "it wasn't a stretch to label the drugs 'a treatment or a cure.'"	Coronavirus Australia: Queensland researchers find 'cure', want drug trial <a href="https://www.news.com.au/lifestyle/health/health-problems/coronavirus-australia-queensland-researchers-find-cure-want-drug-trial/news-story/93e7656da0cff4fc4d2c5e51706accb5">https://www.news.com.au/lifestyle/health/health-problems/coronavirus-australia-queensland-researchers-find-cure-want-drug-trial/news-story/93e7656da0cff4fc4d2c5e51706accb5</a>
17 March 2020	Professor Paterson appeared on commercial current affairs program The Project that evening to publicise hopes for a clinical trial. Asked whether describing the drug as a "treatment" was the same as calling it "a cure", he responded: "Absolutely. We know that in the test tubes, and in the patients that have been studied so far, they're able to recover and have no more evidence of virus in their system."	Joanna McCarthy Friday 26 August 2022 <a href="https://reutersinstitute.politics.ox.ac.uk/hydroxychloroquine-australia-cautionary-tale-journalists-and-scientists">https://reutersinstitute.politics.ox.ac.uk/hydroxychloroquine-australia-cautionary-tale-journalists-and-scientists</a>
18 March 2020	The University of Queensland issued a press release confirming that the HCQ clinical trials would proceed.	Joanna McCarthy Friday 26 August 2022 <a href="https://reutersinstitute.politics.ox.ac.uk/hydroxychloroquine-australia-cautionary-tale-journalists-and-scientists">https://reutersinstitute.politics.ox.ac.uk/hydroxychloroquine-australia-cautionary-tale-journalists-and-scientists</a>
18 March 2020	<b>WHO funds Solidarity trial</b> for treatments to prevent COVID-19 disease (treatments being investigated: Redesivir, lopinavir and <b>hydroxychloroquine</b> ).	Repurposed Antiviral Drugs for Covid-19 — Interim WHO Solidarity Trial Results: <a href="https://www.nejm.org/doi/full/10.1056/nejmoa2023184">https://www.nejm.org/doi/full/10.1056/nejmoa2023184</a>
23 March 2020	Clive Palmer announced that he would personally fund the acquisition or manufacture of one million courses of hydroxychloroquine to be placed on the	Joanna McCarthy Friday 26 August 2022

	national stockpile for free use by the Australian people. The health minister accepted the “generous” offer.	<a href="https://reutersinstitute.politics.ox.ac.uk/hydroxychloroquine-australia-cautionary-tale-journalists-and-scientists">https://reutersinstitute.politics.ox.ac.uk/hydroxychloroquine-australia-cautionary-tale-journalists-and-scientists</a>
Around 23 March 2020	TGA CEO John Skerritt thanked Palmer “for what you are doing to secure ... a medicine which may prove important as a treatment for Covid-19”.	<a href="https://www.theguardian.com/australia-news/2021/oct/13/five-million-doses-of-hydroxychloroquine-destroyed-after-stand-off-between-clive-palmer-and-government">https://www.theguardian.com/australia-news/2021/oct/13/five-million-doses-of-hydroxychloroquine-destroyed-after-stand-off-between-clive-palmer-and-government</a>
24 March 2020	The TGA places new restrictions on prescribing hydroxychloroquine for COVID-19.	<a href="https://www.tga.gov.au/news/safety-alerts/new-restrictions-prescribing-hydroxychloroquine-covid-19">https://www.tga.gov.au/news/safety-alerts/new-restrictions-prescribing-hydroxychloroquine-covid-19</a>
7 April 2020	NSW Government banned the Prescribing, Dispensing or Supply of Hydroxychloroquine Direction effective from 7.35pm on 7 April 2020	<a href="https://www.health.nsw.gov.au/pharmaceutical/Pages/Supply-of-hydroxychloroquine.aspx">https://www.health.nsw.gov.au/pharmaceutical/Pages/Supply-of-hydroxychloroquine.aspx</a> .
7 April 2020	Queensland, the Minister for Health and Ambulance Services banned HCQ under s 362B of the <i>Public Health Act 2005</i> (QLD) ‘to assist in containing or responding to the spread of COVID-19 within the community’.	Direction made by Dr Jeanette Young, under s 362B Public Health Act 2005 (QLD), QLD Government Health website.
18 April 2020	Doctors who prescribe the anti-malarial drug – HCQ being trumpeted as a potential COVID-19 treatment face a \$13,000 fine.	<a href="https://www.brisbanetimes.com.au/national/queensland/doctors-banned-from-prescribing-potential-covid-19-drug-20200408-p54ic1.html">https://www.brisbanetimes.com.au/national/queensland/doctors-banned-from-prescribing-potential-covid-19-drug-20200408-p54ic1.html</a>
20 June 2020	NIH halts clinical trials (Orchid study and Recovery trial) of hydroxychloroquine. <b>Study shows treatment does no harm, but provides no benefit.</b>	<a href="https://www.nih.gov/news-events/news-releases/nih-halts-clinical-trial-hydroxychloroquine">https://www.nih.gov/news-events/news-releases/nih-halts-clinical-trial-hydroxychloroquine</a>
4 July 2020	<b>WHO</b> accepts discontinuation of the Solidarity Trial for HCQ treatment for COVID-19 disease.	<a href="https://www.who.int/news-room/detail/04-07-2020-who-discontinues-hydroxychloroquine-and-lopinavir-ritonavir-treatment-arms-for-covid-19">https://www.who.int/news-room/detail/04-07-2020-who-discontinues-hydroxychloroquine-and-lopinavir-ritonavir-treatment-arms-for-covid-19</a>
<b>2021</b>		
22 February 2021	The Prime Minister, the Chief Medical Officer, and the Chief Nursing and Midwifery Officer, officially launched Australia’s vaccination program today.  The first people to receive the vaccines will be priority groups who are at a higher risk of COVID-19. They include: <ul style="list-style-type: none"> <li>• quarantine and border workers</li> <li>• frontline healthcare workers</li> <li>• aged and disability care residents and staff.</li> </ul>	Australian Government Department of Health. Available at: < <a href="https://www.health.gov.au/news/first-covid-19-vaccinations-in-australia">https://www.health.gov.au/news/first-covid-19-vaccinations-in-australia</a> >.
30 March 2021	NSW Health Department stated there was a <b>shortage of HCQ</b> which prompted the State government to make Orders on 30 March 2021 pursuant to clause 170 of the Poisons and Therapeutic Goods Regulation 2008 (NSW) prohibiting medical practitioners from prescribing and supplying the medicine, to ensure supplies were available for treatment and clinical trials.	The Order was updated on 23 March 2023 and is set to expire on the 31 March 2025. available at < <a href="https://www.health.nsw.gov.au/pharmaceutical/Pages/Supply-of-hydroxychloroquine.aspx">https://www.health.nsw.gov.au/pharmaceutical/Pages/Supply-of-hydroxychloroquine.aspx</a> >.
5 April 2021	<b>5 million doses of HCQ destroyed</b>	<a href="https://www.theguardian.com/australia-news/2021/oct/13/five-million-doses-of">https://www.theguardian.com/australia-news/2021/oct/13/five-million-doses-of</a>

		hydroxychloroquine-destroyed-after-stand-off-between-clive-palmer-and-government.
28 July 2021	Cochrane Reviews provides a review of 14 studies investigating Ivermectin. The TGA state that this review found no evidence to support the use of Ivermectin for treating or preventing COVID-19 infection.	Ivermectin for preventing and treating COVID-19. Available at: < <a href="https://www.cochranelibrary.com/cdsr/doi/10.1002/14651858.CD015017.pub2/full">https://www.cochranelibrary.com/cdsr/doi/10.1002/14651858.CD015017.pub2/full</a> >.  <b>Note:</b> this was only a review and not an actual clinical study conducted by the Cochrane Review.
10 September 2021	TGA acting on the advice of the Advisory Committee for Medicines Scheduling placed restrictions on the prescribing of Ivermectin	<a href="https://www.tga.gov.au/news/media-releases/new-restrictions-prescribing-ivermectin-covid-19">https://www.tga.gov.au/news/media-releases/new-restrictions-prescribing-ivermectin-covid-19</a>  and  Greg Hunt letter in response to Petition EN3364. Available at < <a href="https://www.google.com/url?sa=t&amp;rct=j&amp;q=&amp;esrc=s&amp;source=web&amp;cd=&amp;cad=rja&amp;uact=8&amp;ved=2ahUKEwiV0pD6kaH-AhWSglYBHRoeCMIQFnoECAsQAQ&amp;url=https%3A%2F%2Fpetitions.aph.gov.au%2Fapi%2Fministerialresponse%2Fdownload%2FEN3364&amp;usg=AOvVaw1pYSj98AeDmCT5Ta9WuNTr">https://www.google.com/url?sa=t&amp;rct=j&amp;q=&amp;esrc=s&amp;source=web&amp;cd=&amp;cad=rja&amp;uact=8&amp;ved=2ahUKEwiV0pD6kaH-AhWSglYBHRoeCMIQFnoECAsQAQ&amp;url=https%3A%2F%2Fpetitions.aph.gov.au%2Fapi%2Fministerialresponse%2Fdownload%2FEN3364&amp;usg=AOvVaw1pYSj98AeDmCT5Ta9WuNTr</a> >
10 September 2021	Ivermectin: Australian regulator bans drug as Covid treatment after sharp rise in prescriptions.  'Australia's drug regulator has banned medical practitioners from prescribing ivermectin to treat COVID-19.'	<a href="https://www.theguardian.com/australia-news/2021/sep/10/australian-drug-regulator-bans-ivermectin-as-covid-treatment-after-sharp-rise-in-prescriptions">https://www.theguardian.com/australia-news/2021/sep/10/australian-drug-regulator-bans-ivermectin-as-covid-treatment-after-sharp-rise-in-prescriptions</a>
<b>2022</b>		
12 March 2022	Public Health Act 2005 (Qld) Section 362B I, Dr John Gerrard, Chief Health Officer, reasonably believe it is necessary to give the following direction pursuant to the powers under s362B of the Public Health Act 2005 to assist in containing, or to respond to, the spread of COVID-19 within the community.  <b>Revocation</b> 1. The Prescribing, Dispensing or Supply of Hydroxychloroquine Direction effective from 7.35pm on 7 April 2020 is revoked from time of publication.	Published on the Queensland Health website at 9:15am AEST 12 March 2022. Available at: < <a href="https://www.health.qld.gov.au/system-governance/legislation/cho-public-health-directions-under-expanded-public-health-act-powers/revoked/revocation-of-prescribing,-dispensing-or-supply-of-hydroxychloroquine-direction">https://www.health.qld.gov.au/system-governance/legislation/cho-public-health-directions-under-expanded-public-health-act-powers/revoked/revocation-of-prescribing,-dispensing-or-supply-of-hydroxychloroquine-direction</a> >.
18 January 2022	New antiviral drug: Molnupiravir (Lagevrio) was provisionally approved by the Therapeutic Goods Administration, for the treatment of adults with COVID-19.	Australian Government Department of Health and Aged Care, 'Our Response to the Pandemic'. Available at: < <a href="https://www.health.gov.au/health-alerts/covid-19/government-response">https://www.health.gov.au/health-alerts/covid-19/government-response</a> >.  Dangers of Lagevrio: 1. possibility that its use could lead to birth defects or cancerous tumors.

		<p>2.the drug’s potential to supercharge SARS-CoV-2 mutations and unleash a more virulent variant upon the world. See <a href="https://www.forbes.com/sites/williamhaseltine/2021/11/01/supercharging-new-viral-variants-the-dangers-of-molnupiravir-part-1/?sh=53f7036a6b15">https://www.forbes.com/sites/williamhaseltine/2021/11/01/supercharging-new-viral-variants-the-dangers-of-molnupiravir-part-1/?sh=53f7036a6b15</a> And <a href="https://www.forbes.com/sites/williamhaseltine/2021/11/02/harming-those-who-receive-it-the-dangers-of-molnupiravir-part-2/?sh=676071b61490">https://www.forbes.com/sites/williamhaseltine/2021/11/02/harming-those-who-receive-it-the-dangers-of-molnupiravir-part-2/?sh=676071b61490</a></p>
18 January 2022	<p>Pfizer’s new antiviral drug: Paxlovid® (nirmatrelvir and ritonavir) provisionally approved by the Therapeutic Goods Administration, for the treatment of adults with COVID-19.</p>	<p>Australian Government Department of Health and Aged Care, ‘Our Response to the Pandemic’. Available at: &lt; <a href="https://www.health.gov.au/health-alerts/covid-19/government-response">https://www.health.gov.au/health-alerts/covid-19/government-response</a>&gt;.</p> <p>Long list of medicines that do not mix well with Paxlovid, available at: &lt;<a href="https://www.nhs.uk/medicines/paxlovid/common-questions-about-paxlovid/">https://www.nhs.uk/medicines/paxlovid/common-questions-about-paxlovid/</a>&gt;.</p> <ul style="list-style-type: none"> <li>• Drug not recommended in pregnancy</li> </ul>

- 7.15. The chronology of events surrounding the banning of HCQ and Ivermectin point to the release of the provisionally approved vaccines and the subsequent new anti-viral treatments from pharmaceutical companies – Pfizer.
- 7.16. We note the inconsistencies in banning HCQ that occurred in different States in Australia that are of interest.
- 7.17. On examination, we found that the NSW Health Department stated there was a shortage of HCQ which prompted the State government to make Orders on 30 March 2021 pursuant to clause 170 of the *Poisons and Therapeutic Goods Regulation 2008* (NSW) prohibiting medical practitioners from prescribing and supplying the medicine, to ensure supplies were available for treatment and clinical trials.
- 7.18. Based on the order, ‘treatment’ refers to existing patients that suffer from Arthritis and Lupus.
- 7.19. However, in Queensland, on the 7 April 2020, the Minister for Health and Ambulance Services banned HCQ under s 362B of the *Public Health Act 2005* (QLD) ‘to assist in containing or responding to the spread of COVID-19 within the community’.
- 7.20. Interestingly, on 12 March 2022 after the new antiviral medications were provisionally approved the order was revoked for the same reasons under s 362B of the *Public Health Act 2005* (QLD).
- 7.21. It is unclear how the Minister for Health and Ambulance Services determined the banning of HCQ was ‘reasonably necessary to assist in containing or responding to the spread of COVID-19 within the community’.
- 7.22. **We question whether the TGA decision to ban HCQ and ivermectin, was unduly and impermissibly burdensome on human rights.**

- 7.23. We submit that the TGA's decision to ban HCQ and Ivermectin as early treatments for COVID-19 has potentially denied Australian citizens access to lifesaving treatments and imperilled the lives of many Australians who but for the prevention of access, may have survived.
- 7.24. The Federal Court of Australia held in *Brett Cattle Company Pty Ltd v Minister for Agriculture, Fisheries and Forestry and Another*<sup>86</sup> 'that the Minister's control order was invalid ... [and] the use of the absolute prohibition was neither necessary nor reasonably necessary, and it imposed an undue or impermissible burden on the common law right to carry on business, such that it could not be justified.'
- 7.25. In reaching the decision the court found that the Minister could not make an order to impose a total ban on all exports on a 'mere whim'.<sup>87</sup> And that there was no rational or reasonable justification for the Minister to exercise his powers under the *Export Control Act* as there was no 'realistic danger' to the livestock in question.<sup>88</sup>
- 7.26. We submit that the risk of becoming seriously ill or dying from COVID-19 disease was not a 'realistic danger' for the majority of healthy Australian's.
- 7.27. We recommend that future public health prerequisites must appropriately consider and weigh human rights in proportion to the burden of disease.

## L. Vaccination of healthy population

- 7.28. We submit that human rights considerations we not addressed when COVID-19 vaccination rollouts were being driven by all States and Territory governments for otherwise health Australians to 'roll up their sleeve' and get vaccinated.
- 7.29. The message was clear from health bureaucrats and others that there was 'no substitute for vaccination against COVID-19'!
- 7.30. Medical practitioners around the country were all told to ensure they administered the COVID-19 vaccine to all patients in their practice. The Australian Health Practitioner Regulation Agency ("Ahpra") and National Boards and published a joint statement on 9 March 2021 to all registered health practitioners and students, advising them of the National Boards expectations about receiving, administering and sharing information about COVID-19 vaccination. The Board stated:

*"There is no place for anti-vaccination messages in professional health practice, and any promotion of anti-vaccination claims, including on social media, and advertising, may be subject to regulatory action."*<sup>89</sup>

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<sup>86</sup> *Brett Cattle Company Pty Ltd v Minister for Agriculture, Fisheries and Forestry and Another* [2020] FCA 732.

<sup>87</sup> *Ibid*, at [359].

<sup>88</sup> *Ibid*, at [360].

<sup>89</sup> <https://www.ahpra.gov.au/News/2021-03-09-vaccination-statement.aspx>.



- 7.31. Additionally, Ahpra advised all practitioners, including students on placement, that they **must comply** with their local employer, health service or health department policies, procedures and guidelines on COVID-19 vaccinations.
- 7.32. We have represented and advocated for many Australian Doctors who were concerned about and the government's interference with their patients' medical informed consent and Doctor/Patient consultation.
- 7.33. We note that the media was used by government departments to push the vaccination narrative publishing pro-vaccination articles and opinion pieces.

7.33.1. For example, on 18 January 2022, the Sydney Morning Herald published an article by Sarah Palmer and Graeme Stewart who stated:

*"[That there was a] critical importance of an ongoing vaccine rollout and innovative vaccine science ... that remain the cornerstones for protection of life, quality-of-life and livelihood throughout 2022 and beyond."*<sup>90</sup>

- 7.34. We highlight that many Australian citizen's fundamental human rights were infringed by unproven statements made by government Ministers and others who used coercive psychological tactics to enrol people into mass vaccinated with a novel mRNA vaccine.
- 7.35. We draw the Committee's attention to Greg Hunt's proposition that medical practitioners were enrolled by the government to vaccinate as many Australians as they could in the largest clinical trial of all time. During an interview on ABC Insiders, Mr Hunt stated:

*"The world is engaged in the largest clinical trial, the largest global vaccination trial ever, and we will have enormous amounts of data".*<sup>91</sup>

He went on to say, concerning vaccination:

*"It's safe, it's effective, it will help protect you, but it will also help protect your mum and dad, your grandparents, your nonna, all of Australia."*<sup>92</sup>

- 7.36. We note that new evidence is revealing that vaccination does not stop transmission. Therefore, the only logical conclusion one can draw is that the vaccination against COVID-19 is not effective.
- 7.37. The safe and effective messaging that played out at every government press conference and mainstream media outlet led many to believe that they would be protected from COVID-19 disease if they were vaccinated.
- 7.38. Unfortunately, many Australians have contacted our office and social media channels reporting that the vaccine was neither safe nor effective and that they are now suffering in silence from adverse reactions.

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<sup>90</sup> <https://www.smh.com.au/national/don-t-believe-the-hype-around-djokovic-catching-covid-is-no-substitute-for-the-jab-20220117-p59ouo.html>

<sup>91</sup> <https://www.health.gov.au/ministers/the-hon-greg-hunt-mp/media/interview-with-david-speers-on-abc-insiders-on-the-covid-19-vaccine-rollout#:~:text=GREG%20HUNT%3A,-Well%2C%20obviously%20that&text=The%20world%20is%20engaged%20in,have%20enormous%20amounts%20of%20data.>

<sup>92</sup> Ibid.

7.39. We draw the Committee's attention to the fact that Health Bureaucrats in leadership positions criticised and condemned unvaccinated Australians as if they were on trial. For example, at a press conference around July 2021, NSW Health Minister Brad Hazzard ("**Hazzard**") stated:

*"We had a question... about some people not wanting to take vaccines. Well, my message to them is, you're being extremely selfish."*<sup>93</sup>

Further stating:

*"If you think you cannot have a vaccine just because you don't want to have a vaccine, well, you should think about what you're doing to your family and to the community."*<sup>94</sup>

Later that year, during another press conference, Hazzard stated to the unvaccinated population:

*"I want to say this. We are still hearing that people are declining to get vaccinated ... we know vaccinations and boosters will keep you far safer .... stop listening to social media and make sure you are not the one lying in the ICU on a ventilator because you may be the one who dies."*<sup>95</sup>

7.40. And at a press conference on 14 December 2021, Brad Hazzard urged unvaccinated people to stop being "*selfish*" and get the jab. Then turning to the vaccinated population, he said: "*For heaven's sake, go and get your booster.*"<sup>96</sup> It is implicit in this statement that the jabs promoted did not work as intended because people were now having to contend with 'booster' shots, prompting many in the community to ask: "*Why would I get a third shot of something that did not work two times previously*"? Logical analysis or just common sense, either case suggests there was a disproportionate response to employees who were now being subjected to further shots in order to maintain employment.

7.41. These statements made by the NSW Health Minister appear to personally attack Australians based on their COVID-19 vaccination status, potentially inciting community hatred towards a 'class of people' which can lead to division in families and communities.<sup>97</sup> This is clearly unacceptable and should be investigated along with any other person or entity as it falls squarely within the realm of coercive and controlling conduct for an ulterior purpose.

7.42. In our opinion, statements like the ones made by Hazzard demonstrate contempt towards Australian citizens and, if anything, did more harm than good because they divided a nation between 'us' and 'them'. In effect, Commonwealth and State/Territory governments engaged in a public advertising campaign using taxpayer-funded

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<sup>93</sup> <https://caldronpool.com/medical-doctor-responds-to-health-minister-calling-the-unvaccinated-extremely-selfish/>.

<sup>94</sup> Ibid.

<sup>95</sup> <https://www.skynews.com.au/australia-news/coronavirus/nsw-health-minister-brad-hazzard-tells-the-unvaccinated-to-switch-off-your-social-media-and-switch-on-reality/news-story/8f0f19aa332e925f166bd267b4059d38>.

<sup>96</sup> <https://www.abc.net.au/news/2021-12-15/nsw-covid-restrictions-ease-for-vaccinated-and-unvaccinated/100685704>.

<sup>97</sup> Many members of the community that we have spoken to have told us they have been ostracised by family and friends based on their vaccination status.

resources to divide a nation. The statements of Brad Hazzard and other Parliamentarians, together with health bureaucrats and so-called experts turned neighbour against neighbour, family members against each other and employer against employees.

- 7.43. The concept of state-run media propaganda (advertising) and socially constructing the ‘*evil unvaccinated other*’ introduced elements of deceit and duress hinging on overreaching ulterior forms of constraint or coercion in order to fulfil predetermined vaccination quotas. Indeed, this was and falls squarely within the Nuremberg Code, a script many nations followed post World War II to prosecute individuals compelling citizens to undergo a medical experiment (*as they said, for the “greater good of humanity”*), which also promoted the enactment of s 51(xxiii A) of the Australian Constitution.<sup>98</sup>
- 7.44. The rationale behind the government’s policy on COVID-19 vaccination was not transparent and was not communicated clearly to the public. Nor did it seriously consider human rights and the impact on Australian citizens’ financial and mental health as we have seen suicides and poor health outcomes as a result of not accessing medical services due to the needless lockdowns surpassing the death toll from Covid.
- 7.45. At this point, we note, that former Prime Minister Scott Morrison indicated that most people did **NOT** die from Covid, but rather a complicating factor associated with underlying pre-existing conditions affected by Covid. Ben Fordham, radio station host of Sydney show 2GB stated the following:

*“There were 2,639 Covid-related deaths nationally between March 2020 and January 31 of this year. The virus was listed as the underlying cause of death for the vast majority of deaths, or 96.8 per cent of cases, according to Australian Bureau of Statistics data.*

*However, some 91.4 per cent had other conditions also listed on their death certificate - **three other health issues on average.***

*Those underlying issues ranged from chronic cardiac conditions (the underlying issue for 35.8 per cent of deaths) to diabetes (20.6 per cent) and cancer (14.1 per cent), according to the ABS data.*

*The median age of those who died with coronavirus was 81 for men and 86 for women.*

*Meanwhile, there were 32,000 deaths from heart disease in Australia in that period, with Covid deaths making up only one per cent of all fatalities nationwide. Another 100,000 died from cancer during those 22 months”.*<sup>99</sup>

- 7.46. Although, one may not be aware of these figures due to the unrelenting media pressure spurring on by public officials, so-called experts and bureaucrats targeting the ‘*unvaccinated*’, this data was provided in my letter to Brad Hazzard, and Anthony Albanese et al., on **7 July 2021**, (11 months earlier) - (See **attached** Appendix A). This

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<sup>98</sup> The Nuremberg Code 1947 [The Nuremberg Code \(cirp.org\)](https://www.cirp.org/).

<sup>99</sup> The Daily Mail, By Eliza Mcphee for Daily Mail Australia and Australian Associated Press, published: 16:02 AEDT, 19 May 2022 Former Prime Minister Scott Morrison <<https://www.dailymail.co.uk/news/article-10831605/Scott-Morrison-exposes-astonishing-data-highlighting-whats-REALLY-causing-Covid-deaths-Australia.html>>.

was in addition to the warnings about serious adverse effects and potential deaths that could have been avoided by offering known antivirals and treatments that were available at reduced costs to the Australian taxpayer. No puns intended, but our letter to Parliamentarians was well *'ahead of the curve'*.

7.47. This demonstration of unrelenting bullying by government officials and health bureaucrats towards Australians has affected not only the unvaccinated population but also the credibility of Australia's institutions who acted as gatekeepers for what may amount to be Australia's biggest criminal and civil action.

7.48. Still, it is affecting those who have chosen not to get a COVID-19 vaccination booster in circumstances where it was known early on that there was no justification for the actions taken by:

- Government
- Institutions – Regulatory, administrative and executive
- Experts
- Religious institutions
- Media

7.49. All of whom engaged in a campaign to target the *'unvaccinated'* treating them like leppers, denying or restricting access to:

- Employment
- Healthcare
- University students were banned from continuing education unless they were vaccinated.
- Government buildings
- Private functions (weddings and funerals)
- Visiting sick and dying loved ones, to name a few.

7.50. We highlight the TGA's response after the death of a young girl in her 20s from a booster dose of Moderna's Spikevax vaccine that occurred around August 2022, which was to issue stronger product information warning of the risk of myocarditis.<sup>100</sup>

7.51. However, due to the number of calls we received from concerned parents, we are not aware of how these 'stronger product warnings' were delivered to the Australia community. Particularly when the TGA acknowledged there may be less awareness in the community that myocarditis can occur in women and after a booster vaccine dose,' stating:

*"Myocarditis is more commonly seen in males 12-30 years after a second vaccine dose."*<sup>101</sup>

7.52. We do not recall government health officials telling the community about the risk of Myocarditis. Perhaps they did not have this information at hand considering the

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<sup>100</sup> <<https://www1.racgp.org.au/newsgp/clinical/myocarditis-warnings-strengthened-after-death-link>>.

<sup>101</sup> Ibid.

application by a pharmaceutical company to suppress their clinical trial and study data for 75 years.<sup>102</sup>

- 7.53. The lack of transparency surrounding the vaccine-creation process during the COVID-19 pandemic is concerning and highlights why a human rights Act is needed at a federal level to protect citizens from conduct which was addressed in Nuremberg 1.0.

## M. Vaccination of Australian Workers

- 7.54. We submit that the Government policy on mandating COVID-19 vaccination which private companies have followed, has led to hostile work environments and negative career impacts on Australian citizens, which created an unreasonable fear regarding the COVID-19 disease.

### *Critical skills shortages*

- 7.55. The fallout from the Federal Government vaccination rollout and subsequent State and Territory Government vaccination policies in Australia is beyond comprehension.
- 7.56. We concur with Senator Hanson when referring to an exodus of skill shortages in critical sectors such as health, education, retail, police and emergency services.<sup>103</sup>
- 7.57. According to Australia's Future Health Workforce report, there will be a deficit of 123,000 nurses and 5,000 doctors by 2030, which does not include the recent pandemic and its impact on the healthcare workforce.<sup>104</sup>
- 7.58. We submit that these public health mandatory COVID-19 vaccination policies could significantly impact healthcare worker shortages in the years to come if the Legislature does not take action now.
- 7.59. The patient-to-nurse ratios need to be addressed in order to ensure optimal health outcomes can be maintained in the community. The shortages of health professionals in our health system are placing a strain on our nurses, doctors and administrative staff who according to research are at breaking point.<sup>105</sup> The idea of bringing more students to fill the gaps of experienced nursing staff is tantamount to institutionalised negligence and may lead to the deaths of Australian citizens.

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<sup>102</sup> [https://denvergazette.com/news/judge-scraps-75-year-fda-timeline-to-release-pfizer-vaccine-safety-data-giving-agency-eight/article\\_f007b8b4-ad66-59b4-a270-4709bc3e4814.html](https://denvergazette.com/news/judge-scraps-75-year-fda-timeline-to-release-pfizer-vaccine-safety-data-giving-agency-eight/article_f007b8b4-ad66-59b4-a270-4709bc3e4814.html).

<sup>103</sup> Commonwealth, *Parliamentary Debates*, Senate, 29 November 2022, 2465 (Pauline Hanson, Senator) ('Second Reading Speech').

<sup>104</sup> <https://www.allocatesoftware.com.au/what-are-the-younger-healthcare-professionals-concerns-and-how-to-meet-their-needs/>.

<sup>105</sup> Royal Australian College of General Practitioners, '*General Practice Health of the Nation 2022*' < <https://www.racgp.org.au/getmedia/80c8bdc9-8886-4055-8a8d-ea793b088e5a/Health-of-the-Nation.pdf.aspx>>; Vivek H. Murthy, '*Confronting Health Worker Burnout and Well-Being*,' *N Engl J Med* 2022; 387:577-579 DOI: 10.1056/NEJMp2207252 < <https://www.nejm.org/doi/full/10.1056/NEJMp2207252>>.

### *Impact of COVID-19 vaccination mandates on non-compliant workers*

- 7.60. We note the blanket mandatory vaccination orders and directions were unprecedented in Australia and globally.
- 7.61. We submit that during the pandemic, Government departments, NGO's, NFP's, Corporations and other private organisations followed the advice and directions from the Australian Department of Health, the NSW Government, and NSW Health in relation to COVID-19 vaccinations. The impact of the advice created a lot of confusion particularly for Australian workers.
- 7.62. Many employers' policies and messaging referred to the NSW Health position that: 'most people with a medical or health condition can be safely vaccinated', yet they did not provide employees with evidence of these claims. They all pushed the message that 'all workers are encouraged to speak with their treating practitioner about their personal circumstances'. Although, when workers did obtain medical advice, the employer would not accept the workers concerns and then enacted disciplinary processes on those workers that for personal reasons chose not to be vaccinated with a novel mRNA Vaccination.
- 7.63. Many emergency service and frontline workers praised for their courage during the deadliest wave, 'Alpha', were quickly refused entry into their place of employment and fired for misconduct and matters of integrity, usually reserved for the most heinous misconduct in the workplace.
- 7.64. Our office received hundreds of calls from workers who were told by their employer to be vaccinated or face disciplinary action and termination from employment.
- 7.65. Thousands of Australian workers who were otherwise fit and healthy were ostracised, ridiculed and terminated from their employment.
- 7.66. Many employers including Government departments and NGO's, commenced disciplinary processes against all workers that did not consent to receiving a COVID-19 vaccination.
- 7.67. We list a few examples of the issues that emergency service personnel have raised with our firm below.

#### **Case study One: Fire and Rescue NSW**

In *Fire Brigade Employees' Union of New South Wales v Industrial Relations Secretary of NSW on behalf of Fire and Rescue NSW* [2023],<sup>106</sup> Commissioner McDonald dismissed the proceedings. The case concerned about 200 FRNSW employees that had for various reasons chosen not to undergo the COVID-19 medical procedure.

The FBEU supported the Policy when it was first introduced in December 2021. The FBEU was at pains to stress that its grievance arises solely from the retention of the Policy following

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<sup>106</sup> *Fire Brigade Employees' Union of New South Wales v Industrial Relations Secretary of NSW on behalf of Fire and Rescue NSW* (COVID-19 Vaccination Dispute) [2023] NSWIRComm 1004 Available at: <<https://www.caselaw.nsw.gov.au/decision/185c285fa8f8e586ac9ea22c>>.

the review that occurred in June and July 2022. the FBEU contends that regardless of whether the Policy was lawful and reasonable when it first introduced, it was not reasonable after it was reviewed in June and July 2022 and consequently, any termination of an employee after that date, for failure to comply with the Policy, would be unfair.

We note that the FRNSW vaccination policy extended beyond Firefighters and operational support personnel, to include:

- Administrative and trade staff, volunteers, consultants and contractors such as; cleaners, construction workers and service technicians and
- All people seeking to be engaged by FRNSW.<sup>107</sup>

### **NSW Police Force**

7.68. Our firm has advocated for police officers who have been dismissed from the Police Force because of their COVID-19 vaccination status.

7.69. We note that vaccine discrimination unfolds on a national scale, with hundreds of Police Officers, paramedics, and fire rescue personnel being stood down without pay and terminated for not having a COVID-19 vaccination.<sup>108</sup>

7.70. In New South Wales, the Police Commissioner has the power to remove a police officer from the police force under section 181D of the *Police Act 1990*, which provides:

- (1) The Commissioner may, by order in writing, remove a police officer from the NSW Police Force ***if the Commissioner does not have confidence in the police officer's suitability to continue as a police officer***, having regard to the police officer's competence, integrity, performance or conduct. (*Emphasis ours*)

### **Case study Two: NSW Police Force**

One of our clients, a former Police Officer having served 10 years in the NSW police force with an untarnished record, was terminated under section 181D<sup>109</sup> because of their vaccination status. Despite the fact that our client had a valid medical contraindication certificate.

In an interview published in the Sydney Morning Herald (**7 September 2021**) it was noted by President Tony King of the Police Association of NSW that medical contraindications and other valid reasons would be taken into consideration by the NSW Police force:

*“The ... chain of command will take both medical contraindications and other valid reasons into consideration.”<sup>110</sup>*

However, our client's circumstances and medical contraindication certificate were not accepted

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<sup>107</sup> *Fire Brigade Employees' Union of New South Wales v Industrial Relations Secretary of NSW on behalf of Fire and Rescue NSW (COVID-19 Vaccination Dispute)* [2023] NSWIRComm 1004 at [11].

<sup>108</sup> <https://www.9news.com.au/national/coronavirus-victoria-police-and-psos-stood-down-over-decision-not-to-get-covid-19-vaccine-in-line-with-mandate-for-authorized-workers/2a5f710f-af8b-4bdd-9da0-0bca56e1e877>.

<sup>109</sup> *Police Act 1990* (NSW).

<sup>110</sup> <https://www.smh.com.au/national/nsw/nsw-police-to-mandate-vaccination-for-all-employees-20210907-p58pjh.html>.

by the NSW Police Commissioner.

This Police officer had already been subjected to bullying by colleagues due to a disability that had occurred while they were on duty.

In our opinion, the added trauma from dismissal under this section, which is generally reserved for corruption or other serious offences, is appalling and falls within the higher end of discriminatory conduct. Indeed, the findings related to 'integrity and corruption' not only expose the NSW Police Force to accusations of having no loyalty towards their members but also prevent this police officer, (*along with many more police officers we know of with impeccable service records*) to experience continued and prolonged discrimination because they cannot find work in the security industry or other related field due to the misleading attribution of 'integrity' tarnishing the remainder of their working lives.

We wrote to the NSW Police Commissioner to review the decision to terminate our client for integrity grounds under s 181D<sup>111</sup>, requesting the termination reasons be reclassified. The Commissioner refused to reclassify the dismissal reasons.

Subsequently, the impact of the Commissioner's decision has left our client unemployable such that they could not get a security license due to the termination classification causing significant financial hardship to them and their family. This is just one example of how our frontline workers in the Police Force are now being treated because of their COVID-19 vaccination status.

Despite the NSW and Australian taxpayers funding their training through the police academy and paying their wages for a significant period of time, unvaccinated police officers can no longer work in their profession. We know of former Police Officers who are now cleaning toilets and homes just to make ends meet.

It is incomprehensible to think that Australia is now being compared to the era of Trofim Lysenko (Stalinist USSR), where the institutions of power coerce citizens to accept a position or lose their livelihoods.

### **Health Professionals**

- 7.71. We have represented many health professionals in the NSW Supreme Court and the Industrial Relations Commission ("IRC"), who were dismissed from their employment because of their COVID-19 vaccination status. These professionals were treated like heroes at the start of the pandemic but were later ostracised, bullied and subsequently terminated.
- 7.72. We have spoken to many of these health professionals who have shared their personal stories regarding being subjected to bullying and openly belittled at team meetings and in front of colleagues because they were concerned about taking the vaccine.
- 7.73. We share with you some of the many stories from nurses that have been victimised for not receiving a COVID-19 vaccination as follows:
  - *During a team meeting, nurses that had not had the COVID-19 vaccination were asked*

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<sup>111</sup> *Police Act 1990* (NSW).



*to put their hands up and were then subjected to belittling comments.*

- *Another Nurse shared her story of being subjected to bullying at daily team meetings, labelled as an 'anti-vaxxer', and constantly harassed as to why they had not had the vaccination. We understand this nurse had a medical contraindication certificate.*

7.74. We have received reports that some of the positions that our clients were terminated from remain vacant thereby placing further strains on medical resources and response times for Ambulances. We are aware that these government-manufactured skill shortages now impact some rural communities in NSW because of the State Government vaccination policy.

### **Early career professionals**

7.75. A significant factor that requires consideration is our early career professionals in critical sectors who, under blanket government policies are required to be vaccinated against COVID-19.

7.76. These young adults have a low risk of severe COVID-19 yet are at HIGH risk of developing myocarditis or pericarditis according to a recent report from the Australian Technical Advisory Group on Immunisation (ATAGI).<sup>112</sup>

7.77. It is uncontroversial now as it was in 2021, that the 32 pages of side effects attached to many of the COVID-19 injections present significant risks to the community, particularly if employers place those employees at risk by demanding, one, two or more shots before returning to work.

7.78. This report by ATAGI is concerning particularly in terms of the public health sector, considering that Australia's health workforce is predominantly female and aged 20-34 years old.<sup>113</sup>

7.79. The COVID-19 pandemic has demonstrated the extreme needs of the public health workforce. Studies have shown that the public health sector has struggled to incorporate young professionals into the public health workforce.<sup>114</sup>

7.80. We submit that now is the time to discuss building capacity and infrastructure in our healthcare systems to provide pathways for young professionals to be involved by removing redundant COVID-19 vaccination mandates and the discrimination from these policies.

7.81. We submit that it is vital that the Government at all levels supports our next-generation healthcare and emergency service workers (police, paramedics, fire rescue) by not exposing them to far greater risks through COVID-19 vaccination mandates.

7.82. We submit that it is paramount for the future of our national health system requires that

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<sup>112</sup> [https://www.health.gov.au/news/atagi-2023-booster-advice?utm\\_source=substack&utm\\_medium=email#:~:text=Overview,aged%2065%20years%20and%20over.](https://www.health.gov.au/news/atagi-2023-booster-advice?utm_source=substack&utm_medium=email#:~:text=Overview,aged%2065%20years%20and%20over.)

<sup>113</sup> [https://www.aihw.gov.au/reports/workforce/health-workforce.](https://www.aihw.gov.au/reports/workforce/health-workforce)

<sup>114</sup> Wong, B.L.H., Siepmann, I., Chen, T.T. et al. Rebuilding to shape a better future: the role of young professionals in the public health workforce. *Hum Resour Health* 19, 82 (2021) Available at <<https://human-resources-health.biomedcentral.com/articles/10.1186/s12960-021-00627-7>>.

a human rights Act is enacted to ensure that our rising young professions are free from discrimination vaccine policies and to combat the decline of the health workforce.

### **Case study Three: Airport workers at Kingsford Smith Airport (Sydney)**

In **July 2021**, we wrote to The Hon. Brad Hazzard, MP, (including all Members of Parliament - State and Federal), representing Airport workers at Kingsford Smith Airport (Sydney) because a number of them (*including pregnant and employees on a single-wage*) had to go on stress or sick leave due to mental health-related issues after receiving ultimatums to get vaccinated or lose their positions.

We were instructed by those workers that they were not allowed on Commonwealth airport property as a result of State Orders. These Orders were imposed without serious questions being made as to the safety and efficacy of the mRNA COVID-19 vaccines, nor was the survivability of the virus known to be in the order 99.5% for most of the population with children being almost **NO CHANCE** (unless immune compromised) of dying from covid. In summary, if a vaccine was to be administered, it should **ONLY** be given to the immunocompromised and at-risk population.

Our staff were inundated with calls from workers in the airline industry, emergency services, teachers, local councils, Federal police, government solicitors, construction, and small and large businesses (to name a few only) because they did not know where to turn, as their elected representatives were not taking notice of their concerns nor were they undertaking their duties pursuant to their oaths of office to represent their constituents in parliament.

Unfortunately, our representations on behalf of the affected airline staff did not appear to be taken seriously by the NSW Government and Federal Government (*including the now Prime Minister Anthony Albanese*), and we have yet to receive a response almost two years later. The contempt towards the Australian population by being denied a **VOICE** from elected representatives imparted a strong level of animosity and distrust towards public officials. Our offices received many concerns from the public that Australia's institutions had been captured, unelected bureaucrats overseeing the responses, and emails between Australia's leading universities and Anthony Fauci relating to the purported 'natural origins' to cover up the alleged gain of function research being conducted in bio laboratories in Australia and allegations of corruption with conflicts of interest being suppressed.

### **Lower income earners**

- 7.83. Our firm has advocated pro bono to many Australians suffering financial hardship due to COVID-19 vaccination discrimination.
- 7.84. We submit that vaccine mandates disproportionately affect lower-income earners who are more susceptible to financial hardship and discrimination.<sup>115</sup>
- 7.85. We note that the full economic impact on individuals has yet to be quantified.

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<sup>115</sup> Leask J, Seale H, Williams JH, Kaufman J, Wiley K, Mahimbo A, et al. *Policy considerations for mandatory COVID-19 vaccination from the Collaboration on Social Science and Immunisation*, 2021, Medical Journal of Australia, vol. 215, iss. 11, pp. 499-503.

### **Volunteer emergency service personnel**

- 7.86. We submit that emergency service **volunteers** are not able to perform their volunteering roles because of their COVID-19 vaccination status.
- 7.87. Other clients, we have represented and in conversation at events have drawn these issues to our attention, where they have been turned away from helping during disasters.
- 7.88. These government policies at a practical level have impacted negatively on community needs, particularly with the recent State flooding disasters that occurred in QLD, NSW and Victoria.
- 7.89. We note that unvaccinated experienced, loyal, fit, and healthy volunteer emergency workers were forced out of their jobs in late 2021 due to COVID-19 vaccination requirements. Yet these agencies complain about being critically understaffed and overstretched during flooding events.
- 7.90. Instead of inviting their unvaccinated workers back to help out during these disasters, they leave vulnerable communities to fend for themselves.<sup>116</sup>
- 7.91. Unfortunately, these ludicrous vaccination policies do not just affect unvaccinated emergency workers. In October 2022, vaccinated emergency service volunteers were prevented from helping people in their community during the life-threatening floods in Victoria because they had not received a COVID-19 booster.<sup>117</sup>
- 7.92. By way of example, Northern NSW in March of 2022, was pummelled with rains causing significant losses to property, livestock and human lives. In the immediate aftermath, members of the community (many unvaccinated) rallied and came to the aid of the northern rivers communities of Coraki, Lismore, Woodbourne and Broad water (to name a few) because the NSW State Emergency Service was unable to assist at that time. Our director is a witness to these events, having travelled to the affected disaster areas, staying 10 days to assist in the relief and recovery efforts.
- 7.93. Then when turned up all unvaccinated community members and volunteers were told to leave due to their vaccination status despite having served during the critical disaster period.
- 7.94. At this time, there were very few Government resources.
- 7.95. Volunteers from all over Australia worked together with the community in the heat, mud and difficult conditions to provide urgent aid to flood affected Citizens.
- 7.96. These volunteers and former emergency service workers arrived in the flood zones before many government services arrived to render aid and assist with the clean-up and recovery efforts.
- 7.97. We note that after the waters had subsided some seven days later, State and Federal

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<sup>116</sup> <https://www.spectator.com.au/2022/03/mullumbimby-saves-itself-while-ses-continue-with-vaccine-mandates/>.

<sup>117</sup> <https://www.dailymail.co.uk/news/article-11326877/Covid-SES-volunteers-turned-away-helping-floods-havent-booster-shot.html> (Brave volunteers are 'BANNED' from helping out in flood-ravaged communities - all because they haven't had a THIRD Covid jab).

emergency services began entering the towns to take over from the Australian community members who stepped in to take control of the disaster situation. Indeed, John Larter (former paramedic) was rendering assistance to elderly people in their homes; Graham Hood was organising resources and supporting those who had lost their belongings and required support; Roland Chrystal provided assistance and cleaning for vulnerable persons and AFL Solicitors set up a logistics and tracing network to ensure electric generators, tradesmen and resources were logged as jobs.

- 7.98. Although these volunteers gave up their time, families and jobs to help the needy, when the State and Federal government agency personnel arrived, they ordered all 'unvaccinated' people to leave all government buildings including the firehouse, which was home to the recovery efforts well before any emergency services arrived. For context, the Coraki firehouse was used to allow volunteers to shower and gather food and coordinate supplies to the affected community members.
- 7.99. If there is one thing to be said about the NSW floods and the community of volunteers from all over Australia, it was clear the Australian spirit did not discriminate between the '*vaccinated and unvaccinated*'.
- 7.100. But for our assistance, many more Australians could have perished as it took almost 7 to 10 days for the State and Federal Governments to act.
- 7.101. Indeed, this was disappointing, nevertheless, the affected community had accomplished the early recovery efforts with the help of those who were sacked by Commissioners from the NSW Police Force, NSW Ambulance, NSW Health, and NSW State Emergency organisations, and other private industries.
- 7.102. No doubt that untold damage has been brought onto the emergency service workers who decided not to inject themselves with an experimental jab that is still in clinical trials and exhibiting numerous side effects. We presently have multiple coroner cases and a report that attributes the death to a leading vaccine manufacturer that was promoted by almost all media, political partis, and institutions.

### *Unfair dismissal claims*

- 7.103. Our office has received hundreds of calls and emails concerning employees who have been terminated due to employers terminating them on 'capacity' and 'conduct' grounds that the COVID-19 vaccination was an 'inherent requirement' of their role. We discuss these below.

### **Capacity**

- 7.104. Many of our client matters suggest that employers have only conducted minimal consultation with their employees prior to the introduction of their COVID-19 vaccine policies. Whilst some employers gave notice to individual employees, the consultation process appeared disingenuous and could be likened to a tick-in-the-box exercise. For example, the day their mandatory COVID-19 vaccination policy took effect, unvaccinated employees were immediately terminated.

- 7.105. We note that some companies have put in place mandatory COVID-19 vaccination policies as a blanket policy for all employees regardless of what category<sup>118</sup> they would fit into for example, the mandatory vaccination policy includes employees that are working from home.
- 7.106. We note that many unfair dismissal cases pursuant to s 394 of the *Fair Work Act 2009* (“**Act**”) concerning COVID-19 unvaccinated employees have been unsuccessful.
- 7.107. The Fair Work Commission’s (“**the Commission**”) finding is generally that a company’s vaccination policy is a lawful and reasonable direction. And refusing to comply is a valid basis for termination despite the dismissal still being unfair.<sup>119</sup>
- 7.108. Similarly, in *Aucamp v Association for Christian Senior Citizens Homes Inc.* [2021] FWC 6669. The Commission whilst acknowledging the Applicant’s various concerns in relation to COVID-19 vaccination, held that they were essentially irrelevant as the Employer had to comply with the Directions by law. In addition, concerning the notice period, the Commission noted that the Respondent did not have the capacity to provide any further notice because of the swift introduction of the Directions.

## **Conduct**

- 7.109. We note that an employee is required, as an implicit term of their employment contract, to follow all lawful and reasonable directions of their employer. Whether a vaccine mandate is, a lawful and reasonable directive was considered by the Commission in their recent decision of *CFMMEU v Mt Arthur Coal* [2021] FWCFB 6059. The Commission found that an employer’s failure to follow consultation requirements under the Work Health and Safety Act made a directive “unreasonable” but not “unlawful”. The Commission indicated that the directive could be made reasonable with further consultation.
- 7.110. Our concern is that for organisations that are not particularly large or have sophisticated HR processes/personnel, their COVID-19 vaccination policy consultation process prior to issuing a direction to employees will not be held to a high standard in the Commission.
- 7.111. We submit that young apprentice mechanics have been dismissed from their employment for not receiving a COVID-19 vaccination which has damaged their prospective career pathway. These young workers who have been found to have a high risk of adverse reactions to the COVID-19 vaccination<sup>120</sup> are being unfairly discriminated against by private companies.

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<sup>118</sup> ‘Category’ refers to the Fair Work Ombudsman 4 broad tiers when assessing whether directing an employee to be vaccinated against COVID-19 is reasonable, available at <<https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws/covid-19-vaccinations-and-the-workplace/covid-19-vaccinations-workplace-rights-and-obligations>>.

<sup>119</sup> *Mrs Robyn Pskiet v Maicap Unit Trust T/A Nocelle Foods* [2022] FWC 1534; *Mr Bradley John Dean v Regional Express Holdings Ltd* [2022] FWC 1448.

<sup>120</sup> <https://www.aihw.gov.au/reports/workforce/health-workforce>.

## N. Vaccination of young adults and children

- 7.112. Fundamental to the UN Convention on the Rights of the Child (“**UNCRC**”)<sup>121</sup> is the acknowledgement that children and young people have unique rights which include the right to: Life, survival and development.
- 7.113. We draw the Committee’s attention to Article 4: Governments must make these rights available to all children.
- 7.114. Child under Article 1 means every human being below the age of eighteen.
- 7.115. We submit that the fundamental rights contained in the UNCRC must be enshrined in a federal human rights Act, given our concerns that the provisionally approved was rollout by the federal government to children and young persons without adequate informed consent.
- 7.116. Many parents raised a number of concerns with us in particular, the provisionally approved COVID-19 vaccine<sup>122</sup> for children and young persons. They believe that they were manipulated with unreliable misinformation into consenting to a procedure that is all risk and no benefit to healthy children.
- 7.117. According to the World Health Organisation, children and adolescents are generally at low risk of infection.<sup>123</sup> Additionally, studies have shown that COVID-19 was less severe in infants, children and young adults.<sup>124</sup>
- 7.118. We hope that the approval for these vaccines for young healthy persons was not influenced by the fact that the Therapeutic Goods Administration (“**TGA**”) is funded by the pharmaceutical industry.<sup>125</sup>
- 7.119. We draw the Committee’s attention to vaccine consent forms which state:  
*“For a vaccine to be approved, the TGA must assess that the vaccine is safe, effective and manufactured to a very high-quality standard.”*
- 7.120. However, the government's own reports show there is literally zero conclusive data to support any of these claims.

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<sup>121</sup> United Nations webpage. Available at: <<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>>.

<sup>122</sup> Provisionally approved by the TGA.

<sup>123</sup> World Health Organisation, ‘*Considering the Impact of COVID-19 on Children*’. Available at <<https://www.who.int/europe/activities/considering-the-impact-of-covid-19-on-children#:~:text=Children%20and%20adolescents%20are%20generally,and%20a%20few%20have%20died>>.

<sup>124</sup> Zimmermann P, Curtis N, ‘*Why is COVID-19 less severe in children? A review of the proposed mechanisms underlying the age-related difference in severity of SARS-CoV-2 infections*’, Archives of Disease in Childhood 2021; 106:429-439. Available at: <<https://adc.bmj.com/content/106/5/429>>.

<sup>125</sup> Maryanne Demasi, ‘*From FDA to MHRA: are drug regulators for hire?*’ (BMJ, 2022; 377:o1538). (Maryanne Demasi’s investigative report into whether drug regulators (such as the TGA) have sufficient independence from the companies they are meant to regulate?). Available at <<https://www.bmj.com/content/377/bmj.o1538>>.

- 7.121. We submit that the TGA appears to have failed to evaluate and assess these vaccines with the health and safety of our children as the priority.
- 7.122. We believe that these provisionally approved lipid nanoparticle synthetic messenger RNA vaccines, were unnecessary for children, are not effective, and have questionable mRNA manufacturing integrity and have not been proven as safe.
- 7.123. Given the number of parents that we have spoken to, it appears that they were not fully informed of potentially fatal risks to their children. The suppression of critical information by the TGA concerning the deaths of two young children (seven and nine years old), who suffered heart attacks that were found to be causally linked to the COVID-19 vaccinations<sup>126</sup> is a betrayal of public trust and confidence in the regulation of pharmaceuticals in Australia.
- 7.124. Under a Freedom of Information (“FOI”) request by Dr Melissa McCann<sup>127</sup>, documents revealed that the TGA hid numerous vaccine-induced deaths from the public view, including those of the two children noted above.
- 7.125. The apparent lack of regard by the Australian drug regulator’s<sup>128</sup> for the wellbeing of our youngest and most vulnerable Australians is why we are calling for the UNCRC to be enshrined in human rights instruments within Australia.

## O. Discrimination of unvaccinated persons

- 7.126. We discuss discrimination of unvaccinated persons in the following subsections.

### *Impugned Disability*

- 7.127. We refer to the working definition of disability in the *Disability Discrimination Act 1992* (Cth) (“DDA”) that broadly defines disability as:
- total or partial loss of the person's bodily or mental functions; or
  - total or partial loss of a part of the body; or
  - the presence in the body of organisms causing disease or illness; or
  - the presence in the body of organisms capable of causing disease or illness; or
  - the malfunction, malformation or disfigurement of a part of the person's body; or
  - a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction; or

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<sup>126</sup> [https://news.rebekahbarnett.com.au/p/breaking-australias-drug-regulator?utm\\_source=substack&utm\\_campaign=post\\_embed&utm\\_medium=web](https://news.rebekahbarnett.com.au/p/breaking-australias-drug-regulator?utm_source=substack&utm_campaign=post_embed&utm_medium=web).

<sup>127</sup> Dr Melissa McCann, BPharm, MBBS, FRACGP, Graduate Certificate of Allergic Diseases: <https://www.whitsundayfamilypractice.com.au/our-doctors/>.

<sup>128</sup> Regulators include TGA, and the Australian Technical Advisory Group on Immunisation (ATAGI) that recommended the use of COVID-19 vaccines for children and young adults.

- a disorder, illness or disease that affects a person's thought processes, perception of reality, emotions or judgement or that results in disturbed behaviour;

and includes a disability that:

- presently exists; or
  - previously existed but no longer exists; or
  - may exist in the future (including because of a genetic predisposition to that disability); or
  - **is imputed to a person** (refer to 'Impugned disability' below).
- 7.128. To avoid doubt, a disability that is otherwise covered by this definition includes behaviour that is a symptom or manifestation of the disability.
- 7.129. The focus of the DDA is to ensure that employees with disabilities are able to access and participate in their employment on the same basis as their peers, with reasonable adjustments provided to enable this, as needed.
- 7.130. In usual circumstances, concerning an impugned disability, a diagnosis of disability must be made by a relevant, qualified medical professional.
- 7.131. Where the formal diagnosis process is impeded due to financial, geographical or other disadvantages, employers must have reasonable grounds and documented evidence (multiple sources of data) to impute disability.
- 7.132. Employers cannot impute disability when a relevant, qualified professional has assessed an employee as not meeting diagnostic criteria. In this sense, employers have been imputing employees with disabilities as a result of not consenting or refusing to accept the coercive nature of Federal, State and employer directives when it comes to COVID-19 vaccines.
- 7.133. By way of an example, we refer to a public school system - the Nationally Consistent Collection of Data on School Students with Disability ("NCCD"), which defines an 'imputed' disability as something that someone believes another person has.<sup>129</sup> We note that to impute a disability in this context, the school team under the NCCD model must have reasonable grounds to make such a judgement.<sup>130</sup>
- 7.134. We submit that it is simply unjust, unreasonable, and in our opinion, unlawful to impute, infer or label the unvaccinated as having a disability in circumstances where they are not infected.

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<sup>129</sup> Department of Education and Training, *Nationally Consistent Collection of Data on School Students with Disability 2018 Manual*, (2018) State of Victoria, p.14 (Determining imputed disability) <<https://www.nccd.edu.au/tools/imputing-disability-nccd>>.

<sup>130</sup> Ibid.



- 7.135. The latest research suggests that natural immunity is just as superior as the vaccine.<sup>131</sup> Further, Pfizer has conceded that transmission, hospitalisations and death are not stopped if one takes the COVID-19 vaccine.<sup>132</sup>
- 7.136. We submit that the fact that an employee does not have a COVID-19 vaccine should not warrant discrimination against whole classes of workers and indeed represents a carte blanche, one size fits all approach to managing workplaces without engaging in meaningful consultations with experts, employees and their doctors.
- 7.137. Indeed, a stark example may be comparing the current discrimination faced by employees to the biblical days when people were admonished and shunned publicly as 'leppers'. Although one may see this as a leap, the comparison is relevant in this sense because, unlike the 'leppers' of that era, people who do not have Covid or COVID-19 vaccine cannot be classed as having a disability or an imputed disability.
- 7.138. We submit that unvaccinated Australians, due to their choice not to be vaccinated against COVID-19, have an 'imputed disability' placed on them by Government policies and workplace vaccination requirements. We refer the Committee's attention to page 5 - Appendix A, which summarises the evidence that COVID-19 mortality has a steep age gradient and that for most people, the COVID-19 virus is generally mild and treatable without vaccination.
- 7.139. Under these conditions, it is reasonable to conclude that employers are engaging in wholesale discrimination of unvaccinated workers all over Australia.

### *Pre-employment discrimination*

- 7.140. People are going to job interviews and are being asked to produce proof of receiving a COVID-19 vaccination and whether they are up-to-date with their booster shots.

#### **Case study: Pre-employment Interview**

In December, 2022 a candidate was successful in being short listed for a role they were qualified and experienced for. They were asked to provide proof of their COVID-19 vaccination status.

This was prior to any job offer.

When the Candidate stated they had not been vaccinated, the prospective employer (a private company not in the health sector) cancelled the interview and stated:

*"This is sad for you - good luck finding a job."*<sup>133</sup>

<sup>131</sup> Jolyon Attwooll, 'Past COVID infection protects against severe disease: Study' (2023) <<https://www1.racgp.org.au/newsgp/clinical/past-covid-infection-protects-against-severe-disea>>; Shenai MB, Rahme R, Noorchashm H., 'Equivalency of Protection from Natural Immunity in COVID-19 Recovered Versus Fully Vaccinated Persons: A Systematic Review and Pooled Analysis', Cureus. (2021) (10):e19102. doi: 10.7759/cureus.19102. PMID: 34868754; PMCID: PMC8627252. <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8627252/>>.

<sup>132</sup> Pfizer did not know whether Covid vaccine stopped transmission before rollout, executive admits <<https://www.news.com.au/technology/science/human-body/pfizer-did-not-know-whether-covid-vaccine-stopped-transmission-before-rollout-executive-admits/news-story/f307f28f794e173ac017a62784fec414>>.

<sup>133</sup> This situation occurred in December 2022.

Unfortunately, our office has received many complaints similar to this case.

### *Young Australians*

- 7.141. Australia has a high youth unemployment rate of 7.9%.<sup>134</sup>
- 7.142. We are concerned that mandatory vaccinations, government policies on COVID-19 vaccination have added an extra barrier for young person's accessing employment opportunities.
- 7.143. We submit that a federal human rights Act is needed to ensure that people who could otherwise become employed are not discriminated against because of their COVID-19 vaccination status as this is currently not a protected attribute.

### **P. COVID-19 vaccine injuries**

- 7.144. We submit that due to the nature of the novel vaccine the human rights considerations were lacking especially as we are now receiving calls from hundreds of Australian workers who have been injured from this vaccine. Many of whom only received a vaccination due to coercion and fear of losing their income and livelihood.
- 7.145. According to Dr Peter McCullough, every single data system around the globe has reported increased mortality coinciding the roll-out of the vaccines.
- 7.146. Dr Peter McCullough in a recent article stated:

*“Governments around the globe put a huge amount of faith in COVID-19 vaccines as their only intervention to reduce mortality. Yet, no prospective randomized, double-blind placebo-controlled trial demonstrated a reduction in death with COVID-19 vaccines. On the contrary, every single data system around the globe has reported increased mortality coinciding the roll-out of the vaccines.”<sup>135</sup>*

### *Other considerations*

- 7.147. Two critical reviews published in The Lancet<sup>136</sup> and the Cochrane Library,<sup>137</sup> revealed that masks and vaccination against COVID-19 are ineffective in preventing infection transmission.

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<sup>134</sup> <https://www.abs.gov.au/statistics/labour/employment-and-unemployment/labour-force-australia/latest-release#unemployment>.

<sup>135</sup> <https://petermcculloughmd.substack.com/p/all-cause-mortality-up-after-mass>.

<sup>136</sup> [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(22\)02465-5/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(22)02465-5/fulltext)

<sup>137</sup> <https://www.cochranelibrary.com/cdsr/doi/10.1002/14651858.CD006207.pub6/full>

7.148. The NSW Premier Dominic Perrottet agreed. In a recent talkback radio interview,<sup>138</sup> he said:

*“There is ‘no evidence’ Covid vaccines stop transmission”.*

7.149. Further stating he has 'repeatedly told the public and private sector to end vaccine mandates'.

7.150. We refer to a peer reviewed journal article published in the BMJ that highlighted in 2020 that several covid-19 vaccine trials being conducted by pharmaceutical companies; Pfizer, Johnson and Johnson, and Moderna were not designed to find out if the vaccine could prevent COVID-19 disease.

7.151. In this discussion, Peter Doshi pointed out that:

*“Hospitalisations and deaths from COVID-19 are simply too uncommon in the population being studied for an effective vaccine to demonstrate statistically significant differences in a trial of 30,000 people.”*

He added:

*“The same is true regarding whether it can save lives or prevent transmission: the trials are not designed to find out.”*

7.152. Chief Medical Officer at Moderna, Tal Zaks, in this interview with the BMJ said that Moderna's vaccine trial lacked adequate statistical power to assess that endpoint.<sup>139</sup>

7.153. We raised concerns about the lack of clinical and scientific data to support the government vaccination mandates that were affecting our clients, in our landmark case *Kassam v Hazzard*.<sup>140</sup>

7.154. We highlight for the Committee's consideration the federal governments expenditure relating to the novel coronavirus vaccines.

7.155. In October 2020, the Federal government made an upfront payment of \$123.2 million to the international COVAX facility and a further gratuitous donation of \$80 million to the COVAX Advance Market Commitment.<sup>141</sup>

7.156. Additionally, under the governments COVID-19 Vaccine and Treatment Strategy, \$1.7 billion of taxpayers' dollars went to pre-order 84.8 million vaccine doses with leading Australian manufacturer CSL Limited (Seqirus) and UK-based AstraZeneca.<sup>142</sup>

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<sup>138</sup> <https://www.2gb.com/vaccines-do-not-stop-transmission-dominic-perrottet/>.

<sup>139</sup> Covid-19 vaccine trials cannot tell us if they will save lives, (The BMJ, 2020). Available at: <https://www.bmj.com/company/newsroom/covid-19-vaccine-trials-cannot-tell-us-if-they-will-save-lives/>.

<sup>140</sup> Above n. 45.

<sup>141</sup> <https://archive.budget.gov.au/2020-21/>.

<sup>142</sup> Ibid.

- 7.157. Following this on 21 March 2023<sup>143</sup> the government withdraw all supply of the vaccine manufactured by AstraZeneca due to a higher risk and observed severity of a rare side effect called thrombosis with thrombocytopenia (TTS).<sup>144</sup>
- 7.158. We note that the federal government has spent over \$18 billion under Australia's vaccine agreements for COVID-19 treatment.<sup>145</sup> Yet, these vaccines are not a treatment for the disease nor do they prevent illness or stop transmission.
- 7.159. We question whether the decision to spend billions of tax payers dollars on a novel mRNA vaccine that did not stop transmission of the disease was compatible with human rights.

## 8. Freedom of Expression (Speech)

### Q. Censorship during COVID-19 pandemic

- 8.1. Many Australian citizens were unfairly censored during the pandemic for allegedly inciting violence when they posted information relating to peaceful protests or expressed views that did not follow the governments vaccine narrative.
- 8.2. For example, a pregnant lady was arrested for posting information on social media.<sup>146</sup>
- 8.2.1. Police officers walked into a 28-year-old, pregnant woman's home, handcuffed and arrested her in front of her child while she was wearing pyjamas. They seized her computers and mobile phones because of something she posted to social media.
- 8.2.2. The offending post reads in part:
- 'PEACEFUL PROTEST! All social distancing measures are to be followed so we don't get arrested please. Please wear a mask unless you have a medical reason not to. September 5th is FREEDOM DAY! As some of you may have seen the government has gone to extreme measures to prevent the Melbourne protest. Here in Ballarat we can be a voice for those in stage 4 lockdowns. We can be seen and heard and hopefully make a difference! END LOCKDOWNS. STAND UP FOR HUMAN RIGHTS. WE LIVE IN A FREE COUNTRY.'*<sup>147</sup>

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<sup>143</sup> Australian Government Department of Health and Aged Care, webpage. Available at: <<https://www.health.gov.au/our-work/covid-19-vaccines/our-vaccines/astrazeneca>>.

<sup>144</sup> Australian Government Department of Health and Aged Care, webpage. Available at: <<https://www.health.gov.au/our-work/covid-19-vaccines/our-vaccines/astrazeneca>>.

<sup>145</sup> Australian Government Department of Health and Aged Care, webpage. Available at: <<https://www.health.gov.au/our-work/covid-19-vaccines/about-rollout/vaccine-agreements>>.

<sup>146</sup> <https://www.abc.net.au/news/2020-09-02/woman-charged-ballarat-covid-protest-live-stream/12623118>.

<sup>147</sup> <https://www.sydneycriminallawyers.com.au/blog/police-arrest-pregnant-woman-over-social-media-post/>.

### *Censorship of Scientists and Medical Practitioners*

- 8.3. Censorship and the concentration of media control in the hands of the state can indeed pose significant dangers to democracy. The free flow of information and the ability of citizens to access diverse sources of news and opinion are essential pillars of a democratic society. When the state assumes excessive control over the media, it can lead to the suppression of dissenting voices, the manipulation of public opinion, and the erosion of democratic principles.
- 8.4. One of the primary dangers of state-controlled media is the suppression of freedom of expression. In a democratic society, individuals should have the right to express their opinions and criticize the government without fear of censorship or retribution. When the state controls the media, it can limit or manipulate the information that reaches the public, effectively silencing dissenting voices and stifling public debate. This lack of diverse viewpoints undermines the democratic process and hinders the ability of citizens to make informed decisions.
- 8.5. State-controlled media can also be used as a tool for propaganda and manipulation. Governments with control over the media can shape public opinion by selectively presenting information that supports their agenda while suppressing or distorting opposing viewpoints. This manipulation of information undermines the public's ability to form independent opinions and can lead to the creation of a narrative that serves the interests of those in power rather than the well-being of the society as a whole.
- 8.6. There are reports that scientists and doctors all over the world had valid science restricted from publication, censored or amended to cater for the dominant Government sponsored position. As the science is becoming clearer, there are numerous amounts of data being presented indicating that serious adverse events may have been suppressed or mischaracterised.

## **R. Misinformation and disinformation**

- 8.7. During the COVID-19 pandemic there was global censorship of any information that discussed opposite views to government policies such as (but not limited to): lockdowns, masks, antiviral medications and mRNA COVID-19 vaccination.
- 8.8. We note the Minister for Communications announced in January 2023, that the Australian Government is introducing new laws to provide the independent regulator, the Australian Communications and Media Authority (“ACMA”), with new powers to combat online misinformation and disinformation.<sup>148</sup> The proposed *Communications Legislation Amendment (Combatting Misinformation and Disinformation) Bill 2023* (“**CMD Bill**”), is in its entirety as it seeks to limit free speech by proposing to vest

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<sup>148</sup> <https://www.infrastructure.gov.au/have-your-say/new-acma-powers-combat-misinformation-and-disinformation>.

information and its control in the hands of the State and Federal Governments. This is clearly a disturbing attempt to normalise State sponsored propaganda.

- 8.9. We submit the following commentary concerning misinformation and disinformation.

### *Risk to Democracy*

- 8.10. One of the primary dangers of state-controlled media is the suppression of freedom of expression. In a democratic society, individuals should have the right to express their opinions and criticize the government without fear of censorship or retribution. When the state controls the media, it can limit or manipulate the information that reaches the public, effectively silencing dissenting voices and stifling public debate. This lack of diverse viewpoints undermines the democratic process and hinders the ability of citizens to make informed decisions.
- 8.11. State-controlled media can also be used as a tool for propaganda and manipulation. Governments with control over the media can shape public opinion by selectively presenting information that supports their agenda while suppressing or distorting opposing viewpoints. This manipulation of information undermines the public's ability to form independent opinions and can lead to the creation of a narrative that serves the interests of those in power rather than the well-being of the society as a whole.
- 8.12. Furthermore, when the state has too much control over the media, it can lead to a lack of accountability and transparency. Independent media plays a crucial role in holding governments accountable by investigating and reporting on issues of public interest, exposing corruption, and informing the public about government actions. When the state controls the media, it becomes difficult for citizens to obtain accurate and unbiased information about the government's activities, which weakens democratic oversight and increases the risk of abuse of power.
- 8.13. In a healthy democracy, the media should serve as a check on governmental power, provide a platform for diverse voices, and foster public discourse but due to excessive funding from Government, many media outlets blatantly controlled the flow of information about vaccine side effects and potential deaths decision to promote their effectiveness instead. The Media should be independent, transparent, and accountable. When the state assumes excessive control of the media, social media and related content these essential functions are undermined, and democracy itself is put at risk.
- 8.14. To safeguard democracy, it is crucial to promote media plurality, independence, courage and freedom of expression. Governments should support laws and regulations that protect press freedom, ensure diversity of ownership and viewpoints, and foster an environment where journalists can operate without fear of intimidation or persecution. It is also essential for citizens to actively seek out diverse sources of information, engage in critical thinking, and support independent media outlets that uphold democratic values.
- 8.15. Overall, excessive state control of the media represents a danger to democracy as it undermines freedom of expression, manipulates public opinion, and weakens

accountability. Protecting and promoting a free and independent media is essential to maintaining a healthy democratic society.

- 8.16. We draw the Committee's attention to the Nazi regime which effectively utilised propaganda to shape public perception and advance their totalitarian agenda. Goebbels understood the power of propaganda in influencing public opinion and employed various techniques to spread their ideology and control information flow. These techniques included censorship, control of media outlets, dissemination of false information, demonization of targeted groups, and the use of emotional appeals to stir up support for the regime.
- 8.17. During the course of the COVID flu era, a number of controversial steps were adopted by politicians, State sponsored experts and media. These would often lead to those attempting to bring failures to the attention of the public-on-public safety grounds were publicly ridiculed, banned, gaslit, denied opportunity to address these publicly within a sanitised expert and professional setting, doctors deregistered or reprimanded if they did not follow rules, the public were arrested, shot with rubber bullets and choked if they dared to question authority. All issues that were sadly found in Nazi Germany and USSR prior to COVID in Australia from 2020 to 2023.
- 8.18. Court cases such as *Kassam v Hazzard*<sup>149</sup> detailed deaths and significant injuries allegedly caused by the vaccines, but these were quickly swiped from social media. Those alleging scientific misconduct were condemned and suppressed by an overarching Government funded media campaign sprouting Mantra's of Safe and effective, when in reality the science emerging globally was demonstrating that excess mortality was correlating with the release of the vaccine.
- 8.19. Ministers of Parliament in Australia were censored in Parliament, Facebook posts removed and social media accounts restricted. As it turns out, Australia now has an injury and death compensation scheme for those people who suffered vaccine related harms. Although a stark and brutal past, the only comparisons for Australia are those found in Nazi Germany and USSR. Indeed, under Stalin's regime, Lysenko's ideas were endorsed and supported by the state, while opposing scientific research and dissenting voices were suppressed. This resulted in the persecution and silencing of scientists who disagreed with Lysenko's theories, leading to the suppression of legitimate scientific advances.
- 8.20. The consequences of this propaganda-driven suppression of scientific truth were severe. Agricultural policies were based on Lysenko's flawed ideas, which led to disastrous consequences for Soviet agriculture. The forced implementation of his unscientific methods, such as mass collectivization and rejection of proven agricultural practices, resulted in widespread crop failures, famine, and the loss of millions of lives.
- 8.21. The Lysenko affair serves as a tragic reminder of how propaganda, coupled with the suppression of scientific inquiry and freedom of expression, can lead to dire consequences. When information and scientific advancements are censored or

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<sup>149</sup> Above n.45.

manipulated for political purposes, the potential for harm increases, and societies suffer as a result.

- 8.22. It is crucial to recognise the importance of scientific integrity, the pursuit of truth, and the need for open dialogue in democratic societies. Promoting an environment where scientific research is conducted freely, independent of political interference, and encouraging the exchange of ideas are fundamental to preventing the tragedies that occurred during the Lysenko-Stalin era. By valuing intellectual freedom and evidence-based decision-making, societies can better safeguard against the dangers of propaganda and censorship in the scientific realm.

## 9. Freedom of Movement (right to peaceful protest) and freedom of Association

9.1. The right to freedom of movement and association was impacted during the pandemic.

9.2. We note a few examples below:

- A Mother denied access to child as border closed while he was on a visit with grandparents. It took 8 weeks for the child to be reunited with his mother.<sup>150</sup>
- A member of the public was incarcerated for organising a peaceful protest in Vic.<sup>151</sup>

## 10. Freedom of Privacy- Private Medical Information

10.1. We submit that freedom of privacy particularly, private medical information of citizens is not adequately protected by current legislative instruments.

10.2. Some examples include employees from private businesses, and supermarket were engaged as agents of the State to ask citizens for private medical information such as the COVID-19 vaccination before entering their premises.

10.3. These measures led to hostility towards the COVID-19 un-vaccinated individuals. They were labelled vaccine conspiracy theorist even if they had received all their vaccinations except the COVID-19 vaccine.

## 11. Freedom of Medical Informed Consent

11.1. We submit that freedom of medical informed consent of citizens is not protected. During the vaccination rollout we received many complaints from citizens that they

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<sup>150</sup> <https://www.dailymail.co.uk/news/article-9948965/Coronavirus-Australia-Mum-separated-three-year-old-eight-weeks-border-closures.html>.

<sup>151</sup> <https://www.theguardian.com/australia-news/2021/aug/31/two-anti-lockdown-leaders-karen-brewer-monica-smit-arrested-as-protests-held-across-australia-and-new-zealand>.



were not adequately informed about the vaccine and were told by non-health professionals that were dispensing the vaccine to 'just roll up their sleeve'.

- 11.2. During the height of the rollout informed consent was not provided as people were told to line up to a booth and get vaccinated.
- 11.3. We submit that people should have the freedom not to be subjected to medical treatment without Medical Informed Consent free from coercion.
- 11.4. We submit some documentation (Appendix D **attached**) from Ms Hart that relates to this subject matter for the Committee's consideration.<sup>152</sup>

## 12. Freedom of Right to Work and Earn a Living

- 12.1. We submit that Australians should have the right to work and earn a living without taking a vaccine. Many of our clients suffered the loss of employment due to not consenting to be vaccinated during the clinic trial phase.

## 13. Freedom to Work in Chosen Profession

- 13.1. Australian citizens do NOT have the right to work in whatever job they desire or were previously trained in a view that was expressed during a Senate Committee hearing on COVID-19 vaccination.
- 13.2. This argument presented at the enquiry now opens the door for other groups to push for the exclusion of other minority groups of people in schools, workplaces and society.
- 13.3. During the Hearing, Senator Hanson asked a spokesperson for the NSWCCCL:

*"Why aren't you fighting for people's rights now?"<sup>153</sup>*

The witness stated:

*"COVID-19 vaccine mandates were reasonable and proportionate to the disease ... but there is no automatic right of an individual to have X or Y job."*

- 13.4. When questioned about the science or studies, the spokesperson merely deferred to the Therapeutic Goods Administration ("TGA") but could not specify any particular studies or objective science that stated the opposite of their preconceived views, even if that research originated from the organisation<sup>154</sup> they cited in their evidence.
- 13.5. This view was a blanket refusal to accept an alternative perspective, an all too familiar experience during the COVID-19 censorship industrial complex era.

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<sup>152</sup> Ms Hart has given us permission to distribute these documents.

<sup>153</sup> <https://www.news.com.au/national/politics/pauline-hanson-fires-uo-over-vaccine-mandates/news-story/06b322943bdc0b01cae8845faa6a1302>.

<sup>154</sup> Therapeutic Goods Administration.

- 13.6. We note these views detracted from the notion of individual agency and choice without consequence as was articulated in *Kassam v Hazzard*<sup>155</sup> (at the time unsuccessful). *Kassam*<sup>156</sup> is now becoming more and more relevant for its trailblazing scientific evidence and legal arguments relating to the matters currently being referred to in part by former treasurer Peter Costello.<sup>157</sup>
- 13.7. We are concerned that health workers, teachers and other professionals who have studied for years and spent thousands of dollars on educational fees **do not** have a right to work in jobs within their profession!
- 13.8. Former NSW paramedic John Larter explained to us:
- “We went from hero to zero overnight, they just dumped us for making a completely legal decision about our health, and they did not look at the harms being caused, this wasn't about health and safety, this was coercion into a clinical trial.”*

## 14. Federal Human Rights Act

**TOR:** *Whether the Australian Parliament should enact a federal Human Rights Act, and if so, what elements it should include (including by reference to the Australian Human Rights Commission's recent Position Paper);*

- 14.1. As previously stated we concur with Dr Watchirs, Human Rights Commissioner, (ACT) that *‘there is nothing to fear from introducing human rights legislation’*.<sup>158</sup>
- 14.2. Indeed, Australia has become an outlier by not having national human rights protection which according to Dr Watchirs Australia has been criticised at the United Nations level.<sup>159</sup>
- 14.3. According to Professor's Hilary Charlesworth and Gillian Triggs Australia has adopted a Janus-faced approach to the protection of human rights.<sup>160</sup>
- 14.4. We support the AHRC position for the federal parliament to adopt a human rights Act.

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<sup>155</sup> Above n. 45.

<sup>156</sup> Above n. 45.

<sup>157</sup> Peter Costello interview -

<https://www.youtube.com/watch?reload=9&v=pZYAkXSPzMk&feature=youtu.be>.

<sup>158</sup> Above n.10. (Dr Watchirs testimony p. 3).

<sup>159</sup> Above n.10. (Dr Watchirs testimony p. 3); Human Rights Law Centre, *‘Major UN human rights review highlights need for Australia to raise the age of criminal responsibility’*, webpage 20 Jan 2021 (Australia's human rights performance was in the spotlight tonight as the Australian Government appeared before the UN Human Rights Council in Geneva for its major human rights review that happens every four to five years). [Accessed 20/06/2023] Available at: <<https://www.hrlc.org.au/news/2021/1/20/un-review-highlights-need-for-aust-to-raise-the-age-criminal-responsibility>>.

<sup>160</sup> Hilary Charlesworth and Professor Gillian Triggs, *‘Australia and the Protection of Human Rights’* (29 May 2017). Available at <<https://www.internationalaffairs.org.au/australianoutlook/australia-international-protection-human-rights/>>.

## UN Convention on the Rights of Children and Young People

- 14.5. The UN Convention of the Rights of the Child was signed by the Australian government in 1991.
- 14.6. However, it has never been enacted into either the Commonwealth law nor the laws of the States and Territory.
- 14.7. According to National Child Protection Alliance the effect of this is that:

*Children and young people only have notional rights and have no means of enforcing those rights, nor of having recourse to law if their rights are violated and abused, if necessary, in the Courts.<sup>161</sup>*

## 15. Conclusion

- 15.1. We thank the Committee for the opportunity to provide input into the Human rights inquiry.
- 15.2. In summary, we urge the Committee to recommend that a federal human rights act be drafted and put to the Parliament.

## 16. Recommendations

- 16.1. We make the following recommendations for the Committee's consideration as summarised below.

### Recommendation 1: National Human Rights Act

We recommend that the Federal Parliament adopts a National Human Rights Act which includes the following legislative elements:

- Further protections are integrated under Part 3-1 of the *Fair Work Act 2009* (“FWA”), for employees (i.e., their right to work and earn a living and right to bodily integrity) from unlawful ‘adverse action’ for not consenting to receive a coronavirus vaccine. We note that the term ‘adverse action’ is widely defined and includes dismissal, injuring a person in their employment, prejudicially altering the employee’s position and any other conduct that may have an adverse impact upon an employee, either directly or indirectly.
- Include provisions that protect citizens against overreach of public safety powers.
- Close the gap in Australia’s discrimination and industrial relations laws by implementing provisions that reduce the capacity of institutions and private entities from engaging in wholesale discrimination of ‘whole classes’ of persons.
- Include provisions that prevent government and private companies from enacting

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<sup>161</sup>New South Wales, Parliament, Legislative Council, General Purpose Standing Committee No. 2, *Inquiry into Child Protection*, (National Child Protection Alliance, Submission 42. p. 13). Available at: <<https://www.parliament.nsw.gov.au/committees/Pages/inquiryprofile/child-protection.aspx#tab-submissions>>.

vaccine mandates using experimental treatments that are in clinical trial phases such as COVID-19 vaccines.

- Include provisions for subordinate legislation and Executive decisions made under emergency declarations to include Human Rights considerations and potential impacts on vulnerable persons.

## Recommendation 2: Future public health emergencies consider human rights

- We recommend that future public health prerequisites must appropriately consider and weigh human rights in proportion to the burden of disease.

## Recommendation 3: Healthcare is responsive to the needs and preferences in all contexts and settings during future health emergencies

- We recommend that during emergency health situations that the Australian Government at all levels prioritise meaningful engagement with community organisations, support social protection and promote universal health coverage to ensure essential health services are not impacted and reach all who need them so that health services genuinely engage with women, community members and healthcare providers so that care is responsive to the needs and preferences in all contexts and settings during future health emergencies.
- We recommend that preventative health measures such as breast cancer screening are not closed to the public during future health emergencies.

## Recommendation 4: UN Convention on the Rights of Children and Young People

- The UN Convention of the Rights of the Child was signed by the Australian government in 1991. However, it has never been enacted into either the Commonwealth law nor the laws of the States and Territory. According to National Child Protection Alliance the effect of this is that:

*Children and young people only have notional rights and have no means of enforcing those rights, nor of having recourse to law if their rights are violated and abused, if necessary, in the Courts.*<sup>162</sup>

- We recommend that the Commonwealth government fully embed the UN Convention on the Rights of the Child in a National Human Rights Act.

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<sup>162</sup> New South Wales, Parliament, Legislative Council, General Purpose Standing Committee No. 2, 'Inquiry into Child Protection', (National Child Protection Alliance, Submission 42. p. 13). Available at: <<https://www.parliament.nsw.gov.au/committees/Pages/inquiryprofile/child-protection.aspx#tab-submissions>>.

### Recommendations 5: Children to have their views and wishes considered in any administrative or legal proceedings.

- We recommend that the particular right of children and young people to have their views and wishes considered in any administrative or legal proceedings which may affect their future and welfare

### Recommendation 6: Patients in aged care facilities to be given the right to have their views and wishes considered in any Administrative or Legal Proceedings.

- We recommend that Patients in aged care facilities that refuse a medical treatment (such as a COVID-19 vaccine) to be given the right to have their views and wishes considered in any Administrative or Legal Proceedings which may affect their future and welfare.

### Recommendation 7: People with a disability that refuse a medical treatment are given the right to have their views and wishes considered in any Administrative or Legal Proceedings which may affect their future and welfare.

- We recommend that people with a disability that refuse a medical treatment (such as a COVID-19 vaccine) are given the right to have their views and wishes considered in any Administrative or Legal Proceedings which may affect their future and welfare.

### Recommendation 8: Consumer-choice alternative dispute resolution structure

We recommend that a consumer-choice alternative dispute resolution structure should be considered at a federal level. However, if the Committee considers that all human rights related matters be channelled through the AHRC, then appropriate funding of the AHRC is essential for the timely administration of justice.

## Appendix:

**Appendix A:** Letter to The Hon. Brad Hazzard re: Informed Consent – Vaccine Rollouts – State Order dated 7 July 2021 (**attached**);

**Appendix B:** Our submission to the Parliamentary Joint Committee on Corporations and Financial Services regarding Whistleblower protections in the corporate, public and not-for-profit sectors dated February 2017 (**attached**);

**Appendix C:** International Handbook of Whistleblower Research 2014 (**attached**).

**Appendix D:** Documents are:

- Ahpra Position Statement
- Response from Ahpra
- Mc22-018819-signed
- Scott Morrison re mandatory covid vaccination
- Australian Health Practitioner Regulation Authority Agency – National Boards