Are health practitioners in effect being conscripted to participate in the Australian government's Covid-19 jab rollout, in contravention of the Australian Constitution?

Elizabeth Hart <elizmhart@gmail.com> Mon, Feb 13, 2023 at 1:59 PM
To: attorney@ag.gov.au

For the attention of:
Mark Dreyfus
Attorney-General of Australia

Mark Dreyfus, **are health practitioners in effect being conscripted to participate in the Australian Government's Covid-19 jab rollout, in contravention of the Australian Constitution**, i.e. paragraph xxiiiA of s51?

The Australian Health Practitioner Regulation Agency (AHPRA) threatens health practitioners with regulatory action if they challenge the Covid-19 jab rollout, i.e. "Any promotion of anti-vaccination statements or health advice which contradicts the best available scientific evidence or seeks to actively undermine the national immunisation campaign (including via social media) is not supported by National Boards and may be in breach of the codes of conduct **and subject to investigation and possible regulatory action**". (My emphasis.) (See attached AHPRA position statement dated 9 March 2021.)

Health practitioners have a legal and ethical obligation to obtain voluntary informed consent from people before vaccination, including the Covid jabs, e.g. as stated in *The Australian Immunisation Handbook*, under Valid Consent, i.e. "For consent to be legally valid, the following elements must be present...It must be given voluntarily in the absence of undue pressure, coercion or manipulation...**It can only be given after the potential risks and benefits of the relevant vaccine, the risks of not having it, and any alternative options have been explained to the person**." (My emphasis.)

If health practitioners provide information on an individual's actual risk with Covid, the potential risks of the Covid jabs, and any alternative options, is this considered 'anti-vaccination', and undermining 'the national immunisation campaign'?

The AHPRA position statement also refers to "the best available scientific evidence" - **but who defines 'the best available scientific evidence' about the Covid jabs, is it not open to question?**

It's ironic that AHPRA has imposed draconian restrictions on health practitioners under threat of regulatory action, because AHPRA has confirmed to me in writing that: **"Practitioners have an obligation to obtain informed consent for treatment, including vaccination. Informed consent is a person's voluntary decision about health care that is made with knowledge and understanding of the benefits and risks involved."** (See attached letter dated 21 September 2021.)

Likewise, the Australian Department of Health and Aged Care has confirmed to me in writing that: **"Informed consent should be obtained for every COVID-19 vaccination, as per usual consent procedures for other vaccinations."** (See attached letter dated 17 November 2022.)

And an Operation COVID Shield factsheet for health practitioners notes: **"A patient must provide informed consent prior to vaccination. If a patient has not provided informed consent you should not vaccinate them, even if they are mandated to receive a COVID-19 vaccination to perform particular roles or enter certain settings."** (See attached Operation COVID Shield factsheet - Handling consent refusal by people presenting for vaccination.)

Mark Dreyfus, **do the onerous restrictions placed upon health practitioners by AHPRA prevent them from voicing concerns about the mass population Covid-19 jab rollout**, e.g. to people who present to the health practitioner as a result of a Covid jab mandate, or to the parents of children being pressured to have the Covid jabs, and others who are at low risk of Covid-19?

With respect to the legislative powers of the Parliament, the Australian Constitution states: "The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to...The provision of maternity allowances, widows' pensions, child endowment, **pharmaceutical, sickness and hospital benefits, medical and dental services** (**but not so as to authorize any form of civil conscription**), benefits to students and family allowances." (My emphasis.)
(See paragraph xxiiiA of s51.)

The Australian Government is providing 'pharmaceutical benefits' in the form of the Covid jabs and 'the national immunisation campaign' - **are health practitioners currently being obliged to support these supposed 'benefits' by being hindered in openly questioning the Covid jabs?**

Mark Dreyfus, **are health practitioners in effect being conscripted to participate in the Australian Government's Covid-19 jab rollout, in contravention of the Australian Constitution, i.e. paragraph xxiiiA of s51?**

Please address this matter, **particularly the conflict between health practitioners' legal and ethical obligation to obtain voluntary informed consent before the Covid-19 jabs, while also being hindered from questioning the Covid-19 jab rollout under threat of regulatory action by AHPRA.**

I look forward to your early response.

Please note this email will be circulated to other parties, including Health and Aged Care Minister Mark Butler.

Sincerely
Elizabeth Hart
Independent researcher investigating vaccine products and conflicts of interest in vaccination policy
vaccinationispolitical.net

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4 attachments

ahpra_position-statement_covid-19-vaccination-position-statement.pdf
90K

response-from-ahpra-re-informed-consent.pdf
105K

mc22-018819-signed-highlighted-1.pdf
177K

covid-19-vaccinations---handling-consent-refusal-by-people-presenting-for-vaccination-handling-consent-refusal-by-people-presenting-for-vaccination.pdf
1053K