
Mandatory Covid-19 vaccination - Why did CMO Paul Kelly capitulate to Scott Morrison and National Cabinet's demand for mandatory Covid-19 vaccination for residential aged care workers?

Elizabeth Hart <elizmhart@gmail.com>

Thu, Sep 28, 2023 at 9:18 AM

To: covid19vaccinerfi@health.gov.au

Cc: minister.butler@health.gov.au, senator.ruston@aph.gov.au, attorney@ag.gov.au, senator.michaelia.cash@aph.gov.au, peter.dutton.mp@aph.gov.au, david.littleproud.mp@aph.gov.au, martin.fletcher@ahpra.gov.au, National Intake and Assessment Team <notifications@ahpra.gov.au>, Jamie.Pearce@ahpra.gov.au, Amanda.Watson@ahpra.gov.au, Kristine.Macartney@health.nsw.gov.au, nigel.crawford@mcri.edu.au, ATAGI Secretariat <atagi.secretariat@health.gov.au>, a.wilson@sydney.edu.au, PBAC <pbac@health.gov.au>, Catherine Bennett <catherine.bennett@deakin.edu.au>

For the attention of:

Paul Kelly

Chief Medical Officer

Australian Government Department of Health and Aged Care

Chair of the Australian Health Protection Principal Committee (AHPPC)

Director of Human Biosecurity under the Australian Biosecurity Act 2015

Copied to: Minister for Health and Aged Care Mark Butler, Shadow Minister for Health and Aged Care Anne Ruston, Attorney-General Mark Dreyfus, Shadow Attorney-General Michaelia Cash, Leader of the Liberal Party of Australia Peter Dutton, Leader of the National Party David Littleproud, AHPRA CEO Martin Fletcher, AHPRA National Director Notifications Matthew Hardy, Advisory Committee on Vaccines (ACV) Chair Kristine Macartney, Australian Technical Advisory Group on Immunisation (ATAGI) Chair Nigel Crawford, Pharmaceutical Benefits Advisory Committee (PBAC) Chair Andrew Wilson, Covid-19 Inquiry panel member Catherine Bennett, and will be forwarded to Prime Minister Anthony Albanese, and Australian Public Service Commissioner Gordon de Brouwer, and other parties.

Dear Paul Kelly, I ask you again, **how could you capitulate to former Prime Minister Scott Morrison and the National Cabinet's demand in June 2021, and recommend mandatory Covid-19 vaccination for residential aged care workers, violating the legal and ethical obligation for voluntary informed consent for vaccination?**

By recommending mandatory vaccination for residential aged care workers, **you and your colleagues on the Australian Health Protection Principal Committee (AHPPC) broke the principle of voluntary informed consent, and opened the floodgates to coercive vaccination being imposed across the community - everyone was now at risk of coercive vaccination and vaccination mandates.**

Scott Morrison and the Premiers and Territory Chief Ministers in the National Cabinet went rogue in coercing the Australian population to submit to Covid-19 vaccination.

In August 2021, Scott Morrison endorsed the concept of '**freedom incentives**' to coerce people to have the Covid-19 vaccine products. In September 2021, Victorian Premier Daniel Andrews announced there would be a '**vaccinated economy**', '**locking out**' those people who refused to consent to Covid-19 vaccination. Scott Morrison backed the idea of '**vaccination passports**', saying businesses in Australia have a '**legitimate**' right to refuse service to patrons who are unvaccinated.

People were to be discriminated against and barred from employment, from travel, from sport, from retail shopping, from hospitality and entertainment, from cultural pursuits, etc - **it was 'No Jab, No Life'**.

Critical thinking people were punished for refusing to comply with mandated medical interventions.

Voluntary informed consent for the Covid-19 vaccine products was completely trashed, with the collaboration of the medical profession.

The Covid-19 Inquiry announced by Prime Minister Anthony Albanese must investigate the unleashing of coercive and mandatory Covid-19 vaccination around Australia, at the instigation of Scott Morrison, the Premiers and Territory Chief Ministers in the National Cabinet, and the members of the AHPPC.

This was the Morrison Government's original plan, for Covid-19 vaccination to be "as mandatory as you can possibly make it", as announced by Scott Morrison in August 2020 on Neil Mitchell's program on 3AW, when Scott

Morrison boasted, "I was the minister that established 'No jab, no play', so my view on this is pretty clear and not for turning".

Paul Kelly, as a registered medical practitioner, you must be aware of the obligation to obtain voluntary informed consent for vaccination, as confirmed to me personally by AHPRA in September 2021: (See letter attached.)

"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." (My emphasis.)

The Australian Immunisation Handbook under **Valid consent** states:

"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.)

In November 2022, the Australian Department of Health and Aged Care also confirmed to me: (See letter attached.)

"Informed consent should be obtained for every COVID-19 vaccination, as per usual consent procedures for other vaccinations."

There is a legal and ethical obligation for medical practitioners to ensure that people give their voluntary informed consent for vaccination, and people must not be pressured, coerced or manipulated into this medical intervention.

Therefore, **how can valid voluntary informed consent be obtained under vaccination mandates?**

On close examination of the timeline, on 4 June 2021 it appears you and your colleagues on the AHPPC were alert to your professional responsibility to ensure voluntary informed consent be obtained for vaccination, as it was specifically announced that the "**AHPPC does not recommend compulsory COVID-19 vaccines for aged care workers**". (My emphasis.) (See AHPPC Statement on COVID-19 vaccination requirements for aged care workers, 4 June 2021, copy attached.)

Also on the same day, 4 June 2021, an ABC headline announced: "**Scott Morrison to use National Cabinet to lobby state governments to go against health advice on COVID vaccination**". (My emphasis.) (Copy attached.)

The ABC reported: "**The Prime Minister will lobby state and territory leaders to overrule medical experts' advice and force aged care workers to get the coronavirus vaccine...** The panel of health experts, chaired by the Chief Medical Officer, has advised for a second time against making the coronavirus vaccine compulsory." (My emphasis.)

Subsequently, on 28 June 2021, it was announced "**The National Cabinet agreed that COVID-19 vaccinations are to be mandated for residential aged care workers as a condition of working in an aged care facility through shared state, territory and Commonwealth authorities and compliance measures**." (See: National Cabinet Statement. Liberal Party New South Wales. 28 June 2021. Copy attached.)

So after pressure from Scott Morrison and the Premiers and Territory Chief Ministers in the National Cabinet, you and your colleagues on the AHPPC reneged on your earlier advice against making the coronavirus vaccine compulsory for aged care workers, and rubber-stamped a political decision after the event, as announced in the AHPPC statement, a day later on 29 June 2021: "**AHPPC recommends to National Cabinet that the residential aged care workforce be vaccinated against COVID-19, as a condition of working in a residential aged care facility...**" (See: AHPPC statement on residential aged care worker COVID-19 vaccination. 29 June 2021. Copy attached.)

Paul Kelly, this was the key moment when voluntary informed consent for Covid-19 vaccination was destroyed, when you and your colleagues on the AHPPC capitulated to the demand of Scott Morrison and the Premiers and Territory Chief Ministers in the National Cabinet, and 'recommended' compulsory Covid-19 vaccination for residential aged care workers to maintain their livelihood - this was the beginning of 'No Jab, No Job'.

Again, how could you do this Paul Kelly, and lead the rest of the medical profession in Australia to collaborate with the destruction of voluntary informed consent for vaccination?

On 16 June 2023, I made a notification to AHPRA about your conduct, as detailed in my previous email to you below, but Matthew Hardy, AHPRA's National Director Notifications, has refused to deal with the matter, as he says AHPRA is "not able to progress concerns relating to the implementation of government policies". (Letter dated 29 June 2023.)

Matthew Hardy advised me, "Any concerns about information provided by Dr Kelly in his role as Chair of the AHPPC may be raised with the AHPPC directly, or with the Australian Public Service Commission".

As advised by Matthew Hardy, I contacted you directly on 11 July 2023, see my email below, but you have not acknowledged or responded to my email.

Paul Kelly, you are registered with AHPRA as a specialist in 'Public health medicine', performing the role of Chief Medical Officer of Australia, and AHPRA refuses to deal with complaints about your conduct in this role.

AHPRA is obviously the gatekeeper for government vaccination policy, as evidenced by its Position Statement on the Covid-19 vaccination rollout, published on 9 March 2021, which I have challenged in my email to AHPRA, see: **Reckless disregard for voluntary informed consent - the AHPRA Position Statement 9 March 2021**, 31 July 2023.

Paul Kelly, you and your colleagues on the AHPPC collaborated with Scott Morrison and the Premiers and Territory Chief Ministers in the National Cabinet, with their politically motivated decision to implement mandatory Covid-19 vaccination for workers in residential aged care, destroying the legal and ethical principle of voluntary informed consent for vaccination, and facilitating coercive and mandatory Covid-19 vaccination around the country.

It is now open to question whether there has been any valid consent for this medical intervention, for the reportedly 68.7 million Covid-19 doses administered in Australia, including to children, under pressure, coercion, manipulation, and mandates.

Paul Kelly, I again request your response and accountability for this matter of vitally important national interest. Please see my previous email to you below.

This email will be widely shared with other parties.

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

----- Forwarded message -----

From: **Elizabeth Hart** <elizmhart@gmail.com>
Date: Tue, Jul 11, 2023 at 6:13 PM
Subject: Notification to AHPRA re medical practitioner Paul Kelly, Chief Medical Officer of Australia and Chair of the Australian Health Protection Principal Committee (AHPPC) (AHPRA Ref. No. 00531213)
To: <covid19vaccinerfi@health.gov.au>
Cc: <minister.butler@health.gov.au>, National Intake and Assessment Team <notifications@ahpra.gov.au>, <martin.fletcher@ahpra.gov.au>, <Jamie.Pearce@ahpra.gov.au>

For the attention of:

Paul Kelly
Chief Medical Officer
Australian Government Department of Health and Aged Care
Chair of the Australian Health Protection Principal Committee (AHPPC)
Director of Human Biosecurity under the Australian Biosecurity Act 2015

Dear Paul Kelly, **please see below my notification to AHPRA re your violation of the obligation for voluntary informed consent via AHPPC statements recommending mandatory Covid-19 vaccination.**

Matthew Hardy, AHPRA's National Director Notifications, has advised me (29 June 2023):

Thank you for the information you shared with us. We understand you are raising concerns about Professor Paul Kelly's role in **advice on Australian Government Covid-19 vaccination policies in aged care**. Our work is guided by the *Health Practitioner Regulation National Law* (the National Law) and under the National Law, **we are not able to progress concerns relating to the implementation of government policies**. Any concerns about information provided by Dr Kelly in his role as Chair of the AHPPC **may be raised with the AHPPC directly**, or with the Australian Public Service Commission. Please note, although we are not progressing these concerns, we have recorded the information you provided on our database. (My emphasis.)

Paul Kelly, it's very interesting that Matthew Hardy says AHPRA is "**not able to progress concerns relating to the implementation of government policies**". Matthew Hardy has directed me to raise these matters "with the AHPPC

directly", so I am asking you directly: **Why did you, in your role as Chair of the AHPPC, collaborate with former Prime Minister Scott Morrison and National Cabinet on their politically motivated decision to mandate Covid-19 vaccination in June 2021, thereby denying voluntary informed consent for residential aged care workers, and subsequently all workers in health care settings, disability support workers, and aged care in-home and community aged care workers?**

On 4 June 2021, it was specifically announced that the "**AHPPC does not recommend compulsory COVID-19 vaccines for aged care workers**". On the same day the ABC reported: "**The Prime Minister will lobby state and territory leaders to overrule medical experts' advice and force aged care workers to get the coronavirus vaccine... The panel of health experts, chaired by the Chief Medical Officer, has advised for a second time against making the coronavirus vaccine compulsory."** (My emphasis.)

On 28 June 2021 it was announced: "**The National Cabinet agreed that COVID-19 vaccinations are to be mandated for residential aged care workers as a condition of working in an aged care facility through shared state, territory and Commonwealth authorities and compliance measures**". **A day later on 29 June 2021, it was announced in an AHPPC statement: "AHPPC recommends to National Cabinet that the residential aged care workforce be vaccinated against COVID-19, as a condition of working in a residential aged care facility..."**

The AHPPC rubber-stamped the National Cabinet's ***political decision*** to mandate Covid-19 vaccination. The decision to mandate Covid-19 vaccination was not based on medical advice.

How could you do this Paul Kelly? How could you capitulate to Scott Morrison's and National Cabinet's demands, and recommend mandatory vaccination, in violation of the obligation for voluntary informed consent for vaccination?

I request your urgent response on this matter.

Please note that Mark Butler, Minister for Health and Aged Care; Matthew Hardy, AHPRA National Director Notifications; Martin Fletcher, CEO of AHPRA; and Anne Tonkin, Chair, Medical Board of Australia (C/- Martin Fletcher), are copied on this email.

Please see below the information provided in my notification to AHPRA, plus attachments.

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

----- Forwarded message -----

From: **Elizabeth Hart** <elizmhart@gmail.com>

Date: Fri, Jun 16, 2023 at 4:08 PM

Subject: Notification to AHPRA re medical practitioner Paul Kelly, Chief Medical Officer of Australia and Chair of the Australian Health Protection Principal Committee (AHPPC)

To: <martin.fletcher@ahpra.gov.au>, <notifications@aphra.gov.au>

Cc: <Jamie.Pearce@ahpra.gov.au>

For the attention of:

Martin Fletcher, CEO, Australian Health Practitioner Agency (AHPRA)
Anne Tonkin, Chair, Medical Board of Australia

Dear Martin Fletcher and Anne Tonkin

Notification to AHPRA re Paul Kelly - Chief Medical Officer of Australia and Chair of the Australian Health Protection Principal Committee (AHPPC)

SUMMARY:

In June 2021, **Paul Kelly, as Chair of the AHPPC, violated the requirement for voluntary informed consent for Covid-19 vaccination, with the AHPPC recommending to National Cabinet that the "residential aged care workforce be vaccinated against COVID-19, as a condition of working in a residential aged care facility..."** (My emphasis.) (See AHPPC statement on residential aged care worker COVID-19 vaccination, published 29 June 2021, copy attached.)

This occurred after the AHPPC's original advice against compulsory vaccination for residential aged care workers (4 June 2021) was overruled by then Prime Minister Scott Morrison and National Cabinet, who wanted to impose mandatory vaccination upon residential aged care workers - this was a politically motivated decision, rather than based on medical advice.

The AHPPC chaired by Paul Kelly capitulated to Scott Morrison's and National Cabinet's demand to impose mandatory vaccination upon residential aged care workers.

This denial of voluntary informed consent for residential aged care workers set a precedent for depriving others of voluntary informed consent for Covid-19 vaccination, including subsequent workforce mandates recommended by Paul Kelly and the AHPPC, see:

- **AHPPC statement on mandatory vaccination of all workers in health care settings.** (Published 1 October 2021, copy attached).
- **AHPPC statement on mandating vaccination for disability support workers.** (Published 10 November 2021, copy attached).
- **AHPPC statement on mandatory vaccination of aged care in-home and community aged care workers.** (Published 10 November 2021, copy attached).

As a medical practitioner, Paul Kelly should be aware of the obligation to obtain voluntary informed consent for vaccination, as confirmed to me personally by [AHPRA in September 2021](#) (see letter attached):

"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.*" (My emphasis.)

This advice on 'voluntary informed consent' is stated in [Good medical practice: a code of conduct for doctors in Australia, 4.5 Informed consent:](#)

"Informed consent is a person's voluntary decision about medical care that is made with knowledge and understanding of the benefits and risks involved. (My emphasis.)

In November 2022, the Australian Department of Health and Aged Care [also confirmed to me](#): (See letter attached.)

"Informed consent should be obtained for every COVID-19 vaccination, as per usual consent procedures for other vaccinations."

The [Australian Immunisation Handbook](#) under **Valid consent** states:

"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.)

The Australian Commission on Safety and Quality in Healthcare Fact Sheet for Clinicians: **Informed consent in health care**, acknowledges key principles for informed consent, including: (See Fact Sheet attached.)

"...adults have the right to determine what will be done to their bodies and what healthcare treatments they will undergo."

and

"For there to be valid informed consent, the person consenting must...

- **Give their consent voluntarily...**
- Have enough information about their condition, treatment options, the benefits and risks relevant to them, and alternative options for them to make an informed decision to consent. This includes the opportunity to ask questions and discuss concerns." (My emphasis.)

An Australian Government Operation COVID Shield Q&A Fact Sheet titled: **Handling consent refusal by people presenting for vaccination**, informs health professionals: (See Fact Sheet attached.)

What is informed consent and why is it important?

Informed consent is an individual's voluntary decision to agree to a healthcare treatment, procedure or intervention, such as a COVID-19 vaccination, in its entirety, after the individual has been provided understandable, sufficient, appropriate and reliable information about the intervention, including the potential risks and benefits...

A patient must provide informed consent prior to vaccination.

The COVID Shield Q&A Fact Sheet warns vaccination providers: **"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."**

Quoting the Australian Law Reform Commission: (See Fact Sheet attached.)

"At common law, all competent adults can consent to and refuse medical treatment. If consent is not established, there may be legal consequences for health professionals."

It is clear there is a legal and ethical obligation for medical practitioners to ensure that people have given their voluntary informed consent for vaccination, and people must not be pressured, coerced or manipulated into this medical intervention.

Ergo, voluntary informed consent cannot be obtained under vaccination mandates.

Why did Paul Kelly and the AHPPC disregard the obligation for voluntary informed consent, and collaborate with Scott Morrison and National Cabinet on their politically motivated decision to mandate Covid-19 vaccination?

BACKGROUND:

On 4 June 2021, Paul Kelly as Chair of the AHPPC was evidently alert to his responsibility to ensure voluntary informed consent be obtained for vaccination, as it was specifically announced that the "**AHPPC does not recommend compulsory COVID-19 vaccines for aged care workers**". (My emphasis.) (See AHPPC Statement on COVID-19 vaccination requirements for aged care workers, 4 June 2021, copy attached.)

Also on the same day, 4 June 2021, an ABC headline announced: "**Scott Morrison to use National Cabinet to lobby state governments to go against health advice on COVID vaccination**". (Copy attached.)

The ABC reported: "**The Prime Minister will lobby state and territory leaders to overrule medical experts' advice and force aged care workers to get the coronavirus vaccine...** The panel of health experts, chaired by the Chief Medical Officer, has advised for a second time against making the coronavirus vaccine compulsory." (My emphasis.)

The workers' union did not support compulsion, with the ABC reporting: "**A union representing Victoria's aged care workforce, the Health Workers Union (HWU), has argued against the decision of the Prime Minister...** Union state secretary Diana Asmar said the HWU had strongly encouraged workers to get the jab **but did not believe it should be compulsory.**" Ms Asmar said: "**We live in a free country and not Communist China.**"

It's stunning that it was publicly announced that Scott Morrison, a politician, was going to lobby his state and territory counterparts in National Cabinet to overrule the medical experts' advice.

As reported by the national broadcaster, the ABC, the political plan was to '**force**' aged care workers to have the coronavirus vaccine, **thereby denying this group of Australians the freedom to consent to or refuse medical interventions depending upon their own personal health circumstances and preferences, and threatening them with the loss of livelihood for refusing to comply with vaccination mandates.**

Subsequently, on 28 June 2021, it was announced "**The National Cabinet agreed that COVID-19 vaccinations are to be mandated for residential aged care workers as a condition of working in an aged care facility through shared state, territory and Commonwealth authorities and compliance measures.**" (See: National Cabinet Statement. Liberal Party New South Wales. 28 June 2021. Copy attached.)

So after pressure from Scott Morrison and National Cabinet, Paul Kelly and the AHPPC reneged on their earlier advice against making the coronavirus vaccine compulsory for aged care workers, and rubber-stamped a political decision after the event, as announced in the AHPPC statement, a day later on 29 June 2021: "AHPPC recommends to National Cabinet that the residential aged care workforce be vaccinated against COVID-19, as a condition of working in a residential aged care facility...**" (See: AHPPC statement on residential aged care worker COVID-19 vaccination. 29 June 2021. Copy attached.)**

The Australian Nursing & Midwifery Federation called it out at the time, being "concerned that mandating vaccinations for the aged care workforce could be a 'political decision, not a health decision'..." (My emphasis.) (See: Still many questions over mandatory aged care vaccinations. 29 June 2021. Copy attached.)

Paul Kelly subsequently boasted "Australia was one of the first countries internationally to mandate COVID-19 vaccination", in his co-authored article published in the *Medical Journal of Australia* in November 2022 - *Implementing mandatory COVID-19 vaccination for Australian aged care workers.*

In other words, **Australia was one of the first countries in the world to deny voluntary informed consent for the Covid vaccinations**, facilitated by medical practitioner Paul Kelly and his medical colleagues on the AHPPC.

Australians were press-ganged into participating in a massive global scientific experiment, with then Health Minister Greg Hunt admitting in February 2021: "**The world is engaged in the largest clinical trial, the largest global vaccination trial ever...**" (See: Interview with David Speers on ABC Insiders on the COVID-19 vaccine rollout. ABC Insiders. 21 February 2021. Copy attached.)

But this was an experiment without voluntary informed consent, which is a violation of medical ethics and international human rights conventions such as the Helsinki Declaration.

Paul Kelly and the AHPPC should not have recommended mandatory Covid injections for any group in Australia, and the medical profession should not have collaborated with mandated medical interventions.

Consistent with AHPRA's regulatory role, Paul Kelly must face professional disciplinary action for using his position as Chief Medical Officer of Australia to impose Covid-19 vaccination mandates, which was in breach of legal and ethical requirements pertaining to voluntary informed consent.

I await a reference number for this notification, and advice of further action. This email will also be submitted via AHPRA's online portal.

Sincerely

Elizabeth Hart

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

14 attachments

-  [AHPPC statement on residential aged care worker COVID-19 vaccination.pdf](#)
97K
-  [AHPPC statement on mandatory vaccination of all workers in health care settings.pdf](#)
119K
-  [AHPPC statement on mandating vaccination for disability support workers.pdf](#)
106K
-  [AHPPC statement on mandatory vaccination of aged care in-home and community aged care workers.pdf](#)
97K
-  [response-from-ahpra-re-informed-consent.pdf](#)
105K
-  [mc22-018819-signed-highlighted-1.pdf](#)
177K
-  [Fact Sheet for clinicians- Informed consent in health care.pdf](#)
325K
-  [covid-19-vaccinations---handling-consent-refusal-by-people-presenting-for-vaccination-handling-consent-refusal-by-people-presenting-for-vaccination.pdf](#)
1055K
-  [Consent to medical treatment _ ALRC.pdf](#)
92K
-  [AHPPC statement on COVID-19 vaccination requirements for aged care workers.pdf](#)
110K
-  [Scott Morrison to use National Cabinet to lobby state governments to go against health advice on COVID vaccinations.pdf](#)
825K
-  [National Cabinet Statement - Monday 28 June 2021 - Liberal Party NSW.pdf](#)
182K
-  [Still many questions over mandatory aged care vaccinations.pdf](#)
806K
-  [Interview with David Speers on ABC Insiders on the COVID-19 vaccine rollout _ Health Portfolio Ministers and Aged Care.pdf](#)
58K