

Follow up to: Failure to obtain informed consent for Covid jabs - what is the indemnity insurance position of health practitioners?

Elizabeth Hart <elizmhart@gmail.com>

Thu, Sep 29, 2022 at 3:18 PM

To: premier@sa.gov.au

Cc: Emma McArthur <ejminoz@gmail.com>, James.Stevens.MP@aph.gov.au, Malcolm Roberts <senator.roberts@aph.gov.au>, "Rennick Gerard (Senator)" <senator.rennick@aph.gov.au>, Simms Office <simms.office@parliament.sa.gov.au>, "Simms, Robert" <Robert.Simms@parliament.sa.gov.au>, black@parliament.sa.gov.au, bragg@parliament.sa.gov.au, ministerforhealth@sa.gov.au, nicola.spurrier@flinders.edu.au, ptadelaid@parliament.sa.gov.au, schubert@parliament.sa.gov.au, senator.antic@aph.gov.au

For the attention of:

Peter Malinauskas
Leader of the SA Labor Party
Premier of South Australia

Peter Malinauskas, please see below my email to Martin Fletcher, CEO of the Australian Health Practitioner Regulation Agency (AHPRA), **asking if the medical profession is facing a catastrophe due to the failure of health practitioners to obtain authentic 'voluntary informed consent' from patients subject to Covid-19 jab mandates?**

For example, the South Australian Government's Covid-19 jab mandates...

I've now forwarded queries on this matter to providers of medical indemnity insurance, i.e. Natasha Fenech, Group CEO and Managing Director of the Avant Mutual Group; Ian Anderson, Chief Executive Officer, MDA National; Natasha Anning, Chief Executive Officer, Medical Indemnity Protection Society; and Eric Lowenstein, Chief Executive Officer, TEGO.

I've also brought this important ethical, and potentially legal, issue to the attention of doctors' organisations, i.e. Nicole Higgins, President-Elect, Royal Australian College of General Practitioners; Jennifer Martin, President-Elect, Royal Australasian College of Physicians; Stephen Robson, Federal President, Australian Medical Association; and Christopher Neil, President, Australian Medical Professionals Society.

It really is quite startling to think about Peter Malinauskas...mandated medical interventions, in the so-called liberal democracy of Australia...how the hell did this happen?!?!

Please see email thread below.

Sincerely

Elizabeth Hart

Independent researcher investigating the over-use of vaccine products and conflicts of interest in vaccination policy
vaccinationispolitical.net

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

From: Elizabeth Hart <elizmhart@gmail.com>

Date: Wed, Sep 28, 2022 at 5:08 PM

Subject: Failure to obtain informed consent for Covid jabs - what is the indemnity insurance position of health practitioners?

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

Cc: <Amanda.Watson@ahpra.gov.au>, <communications@ahpra.gov.au>

Please forward this email to the people listed below:

For the attention of:

- Martin Fletcher, CEO, Australian Health Practitioner Regulation Agency (AHPRA)

Copied to:

- Anne Tonkin, Chair, Medical Board of Australia
- Gill Callister, Chair, AHPRA Agency Management Committee

Martin Fletcher, **is the medical profession facing a catastrophe due to the failure of health practitioners to obtain authentic 'voluntary informed consent' from patients subject to Covid-19 jab mandates?**

AHPRA has previously confirmed to me in writing that practitioners have an obligation to obtain informed consent, i.e. **"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 **AHPRA letter dated 21 September 2021**, copy attached.

With health practitioners themselves being subject to Covid-19 jab mandates, **it's extraordinary that health practitioners have not effectively challenged this medical assault on personal autonomy and bodily integrity.**

Health practitioners who inject patients under Covid-19 jab mandates are in a highly conflicted position, given their obligation to obtain voluntary informed consent before a medical intervention. What is the medical indemnity insurance

position? In this regard, please see below my email to Natasha Fenech, Group CEO and Managing Director of the Avant Mutual Group.

Presumably AHPRA is concerned about this most serious ethical issue?

Are you pursuing clarification on this matter with Avant and other medical indemnity insurers MDA National, Medical Indemnity Protection Society, and TEGO?

Please see below my email to Natasha Fenech of Avant. A similar email has also been forwarded to Ian Anderson, Chief Executive Officer, MDA National; Natasha Anning, Chief Executive Officer, Medical Indemnity Protection Society; and Eric Lowenstein, Chief Executive Officer, TEGO.

I request your acknowledgement of this email and your response on this matter.

Sincerely
Elizabeth Hart

Independent researcher investigating the over-use of vaccine products and conflicts of interest in vaccination policy
vaccinationispolitical.net

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

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

Date: Tue, Sep 27, 2022 at 5:29 PM

Subject: Failure to obtain informed consent for Covid jabs - what is the indemnity insurance position of health practitioners?

To: <nca@avant.org.au>

Please forward this email:

For the attention of:

Natasha Fenech
Group CEO and Managing Director
Avant Mutual Group

Natasha Fenech, **what is the indemnity insurance position of health practitioners who inject patients with Covid-19 'leaky vaccines', knowing the patient is subject to a Covid jab mandate?**

It's important to clarify this matter as many people, including health practitioners, have been, and are being, mandated to have Covid-19 jabs via State and Territory Government directions, plus mandates instigated by employers/businesses, sports clubs, entertainment and hospitality venues, retail, etc.

The Covid-19 jabs are 'leaky vaccines' that do not prevent infection nor transmission, and purportedly provide 'protection' of very limited duration against a disease it was known from the beginning wasn't a serious threat to most people. What is the evidence supporting these **mandated** medical interventions, impacting upon people of a variety of ages and health status?

The Covid jab mandates conflict with the obligation for health practitioners to obtain 'voluntary informed consent' before a medical intervention, i.e. as described 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."**

The Australian Health Practitioner Regulation Agency (AHPRA) has also confirmed to me in writing that practitioners have an obligation to obtain informed consent, i.e. **"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 **AHPRA letter dated 21 September 2021**, copy attached.

A **factsheet published by the Australian Government Operation COVID Shield** notes: (Copy attached.)

As a health professional you:

- require informed consent from a patient prior to providing them with a vaccination; and
- have a duty of care to ensure patients are making educated and informed decisions about vaccination.

The Operation COVID Shield factsheet 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.

Presumably millions of people in Australia have now been injected with Covid-19 'leaky vaccines' via State and Territory Government directions, and mandates instigated by employers/businesses, sports clubs, entertainment and hospitality venues, retail, etc.

As many people have been *pressured, coerced and manipulated* to submit to the Covid-19 jabs via mandates, how can they have given 'voluntary informed consent' in accordance with *The Australian Immunisation Handbook*, the **AHPRA confirmation letter dated 21 September 2021, and the Australian Government **Operation COVID Shield factsheet**?**

Natasha Fenech, **please clarify the indemnity insurance position of health practitioners who have injected their patients with Covid-19 'leaky vaccines' *without* 'voluntary informed consent' being obtained.**

This is a most important matter of public interest, and I request your early response.

Sincerely

Elizabeth Hart

Independent researcher investigating the over-use of vaccine products and conflicts of interest in vaccination policy
vaccinationispolitical.net

2 attachments



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

105K



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

1057K

20 September 2021

Ms Elizabeth Hart

By email only to elizmhart@gmail.com

Dear Ms Hart

Your correspondence to Ahpra

I refer to your emails to Ahpra, the Medical Board of Australia and the Agency Management Committee in which you raised concerns about the current national vaccination program and informed consent. I have been requested to respond to your emails.

We appreciate you taking the time to contact us about these issues and apologise for the time required to respond to your enquiry. We are currently experiencing an increase in enquiries which has impacted on the time required to respond to people who contact us.

I hope that the following information is of assistance.

Role of Ahpra and the National Boards

The Australian Health Practitioner Regulation Agency (Ahpra) works in partnership with the 15 National Boards to regulate Australia's 800,000+ registered health practitioners. Together, our primary role is to protect the public. We do this by registering practitioners, managing complaints (notifications) and setting standards, codes and guidelines that all registered health practitioners must meet.

The national COVID-19 vaccination program

With regard to your comments about the national vaccination program, I advise that while Ahpra and the National Boards regulate individual health practitioners, we don't manage the rollout of COVID-19 vaccines. The national vaccination program is being managed by the Commonwealth, state and territory governments.

When providing care in person or sharing information online, registered health practitioners have a professional obligation to only share information that is evidence-based, in line with the best available health advice, and is consistent with public health campaigns such as the Australian COVID-19 Vaccination Policy. These expectations of registered health practitioners are not new and predate the COVID-19 pandemic.

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. There is more information about informed consent in each National Board's Code of Conduct or equivalent.

I confirm that practitioners' obligations to provide accurate information and advice about COVID-19 vaccination based on up to date and reputable sources of information about COVID-19 vaccines also apply when obtaining informed consent for COVID-19 vaccination.

We have published information on our webpage [here](#) to explain how the National Boards' existing regulatory frameworks apply in the context of COVID-19 vaccination.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Amanda Watson', with a stylized, flowing script.

Amanda Watson

National Complaints Manager



Handling consent refusal by people presenting for vaccination

This factsheet provides guidance for vaccination providers on handling consent refusal by people presenting for vaccination. This may occur, for example, where a person requires vaccination for their employment.

Background

Vaccine providers have reported some people have requested vaccination but have refused to provide informed consent. It can be associated with behaviour that includes, but is not limited to:

- aggressive, abusive, apologetic, blame shifting, quiet and loud behaviour;
- offering bribes or gifts to falsify consent documentation;
- changing words on consent forms (e.g. crossing out consent and replacing with 'coerced' or 'forced'); and
- trying to engage in political debate or discussion including 'violation of rights' and 'personal freedoms'.

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. Consent can be verbal or written.

As a health professional you:

- require informed consent from a patient prior to providing them with a vaccination; and
- have a duty of care to ensure patients are making educated and informed decisions about vaccination.

It is not your role as a health professional to debate topics or change a patient's opinion. Patients may be hesitant for a range of reasons such as their beliefs about vaccination, bad experience with previous vaccination, needle phobia or misinformation.

Can I vaccinate a patient if they are mandated to receive a vaccination?

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.

What should I do if a patient is aggressive or I feel threatened?

Staff safety is a priority and you do not have to tolerate aggressive behaviour. If a patient is being aggressive, you can:

- request the patient to leave the clinic; or
- if you do not feel comfortable to request a patient to leave, and if able, remove yourself from the situation and escalate to a supervisor.

The following page provides some suggested talking points to assist you to have conversations with patients who do not provide informed consent.

Resources

- The Australian Technical Advisory Group on Immunisation has released information for providers on [COVID-19 Vaccination Consent & FAQ](#)
- Healthdirect has published information about [Informed Consent](#)
- The Australian Immunisation Handbook has information about [Preparing for Vaccination](#), including obtaining valid consent
- [Consent form for COVID-19 vaccination](#)

Talking points for patients who exhibit vaccine consent refusal

Key questions to ask the patient to confirm consent

- I am about to vaccinate you with [name of vaccine]. Do you consent to receiving this vaccine? **The answer must be YES.**

Patient expresses that they feel like they are being forced into a COVID-19 vaccination

- This must be a difficult situation for you. Would you like to discuss your concerns with me?
- It sounds like you have some concerns about getting vaccinated today. Would you like to go over this together and I can provide you with some information about the COVID-19 vaccines?

Patient wants to debate topics around vaccines and vaccination

- I cannot engage in this conversation with you in a professional capacity.
- If you would like to receive a COVID-19 vaccination, you must provide informed consent.

Patient informs you they must get vaccinated to remain employed but do not provide informed consent

- As a health professional, I cannot comment on vaccine mandates.
- I suggest that you should have this conversation with your employer.
- I cannot vaccinate you without your informed consent.

Patient asks you to report, or offers you a bribe, to report that you have administered a COVID-19 vaccine and falsify records

- It is against the law for me to report a vaccine that I have not administered or sighted evidence for.
- It is against the law for me to accept a bribe to falsify a document, I can lose my licence to practice, face criminal charges and even receive jail time.
- I cannot be involved in the falsification of vaccination status or medical exemptions as I can be subject to civil penalties, criminal convictions and possibly even jail time.