
Subject: How could COVID-19 vaccination be mandated when consent had to be informed and voluntary?

Elizabeth Hart <elizmhart@gmail.com>

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To: premier@sa.gov.au

Cc: "Health:Minister for Health" <ministerforhealth@sa.gov.au>, LeaderoftheOpposition@parliament.sa.gov.au, Bragg EO <bragg@parliament.sa.gov.au>, minister.butler@health.gov.au, senator.ruston@aph.gov.au, Michelle.Rowland.MP@aph.gov.au, senator.michaelia.cash@aph.gov.au, AttorneyGeneral@sa.gov.au, heysen@parliament.sa.gov.au

For the attention of:The Hon Peter Malinauskas MP
Premier of South Australia**Cc:**The Hon Blair Boyer MP, Minister for Health and Wellbeing
Ashton Hurn MP, Leader of the Opposition
Jack Batty MP, Shadow Minister for Health and Wellbeing
The Hon Mark Butler MP, Minister for Health and Ageing
Senator the Hon Anne Ruston, Shadow Minister for Health and Aged Care
The Hon Michelle Rowland MP, Attorney-General
Senator the Hon Michaelia Cash, Shadow Attorney-General
The Hon Kyam Maher MLC, Attorney-General of South Australia
Josh Teague MP, Shadow Attorney-General of South Australia

Dear Premier Malinauskas

Subject: How could COVID-19 vaccination be mandated when consent had to be informed and voluntary?

I am writing about the **fundamental conflict between the South Australian Government's COVID-19 vaccination mandates, first imposed under the Marshall Liberal Government in 2021, and practitioners' ethical obligation to obtain valid voluntary informed consent before vaccination.**

In recent correspondence concerning the Australian Government's *Handling consent refusal by people presenting for vaccination* guidance, **on 7 August 2026** SA Health confirmed to me:

"Valid consent is required before the administration of **every vaccine** and was a well-established routine practice prior to the commencement of the COVID-19 Vaccination Program." (Emphasis added.)

This accords with advice I received from the **Australian Health Practitioner Regulation Agency (Ahpra) on 20 September 2021:**

"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." (Emphasis added.)

My current enquiries concerning the *Handling consent refusal guidance for vaccination providers*, published by the Australian Government on 15 December 2021, began with Commonwealth Health Minister Mark Butler. On 2 June 2026, I asked Minister Butler what action had been taken by the Australian Government to circulate this guidance to vaccinating practitioners, including when it was first circulated, through which organisations and channels it was distributed, and whether practitioners were required or expected to read or acknowledge it. I am still awaiting answers from Minister Butler to these questions.

On 11 July 2026, I then wrote to Health Minister Blair Boyer asking whether SA Health had received the Australian Government's *Handling consent refusal by people presenting for vaccination* guidance published in December 2021 and, if so, when it was received and what action was taken to communicate or distribute it within SA Health.

SA Health's response **of 7 August 2026** referred responsibility for the COVID-19 Vaccination Program and questions concerning distribution and promotion of its resources back to the Australian Government, while confirming that valid consent was required before 'every vaccine'. **However, my specific questions about whether SA Health received the guidance, when it received it and what action SA Health took to communicate or distribute it were not answered.**

Following SA Health's response, I wrote again to Minister Boyer **on 10 August 2026**. I asked him to address two specific questions:

- **How the South Australian Government reconciled its coercive COVID-19 vaccination mandates, imposed through Commissioner Stevens' Directions, with practitioners' personal, non-delegable obligation to obtain valid voluntary informed consent before administering every COVID-19 vaccination?**
- **Whether SA Health received the Australian Government's *Handling consent refusal* guidance and, if so, when it was received and what action was taken to communicate or distribute it to practitioners delivering the Australian Government's COVID-19 Vaccination Program under the Marshall Liberal Government's COVID-19 vaccination mandates?**

I am awaiting Minister Boyer's response.

The Australian Government's *Handling consent refusal* guidance for vaccination providers, published on 15 December 2021, defined informed consent as "an individual's **voluntary** decision to agree to a healthcare treatment, procedure or intervention" and specifically instructed practitioners:

"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."

This is not the first time I have raised the conflict between vaccine mandates and practitioners' obligation to obtain valid voluntary informed consent. For example, **Commissioner Grant Stevens' COVID19 Command was expressly put on notice of this conflict in contemporaneous correspondence in 2021**. In particular, **on 15 October 2021** I forwarded to Commissioner Stevens my correspondence to Ahpra's then CEO Martin Fletcher, **which warned that practitioners vaccinating people who were reluctantly submitting to COVID-19 vaccination in order to maintain their employment were not obtaining authentic voluntary informed consent**. That correspondence specifically identified a vaccination requirement for healthcare workers communicated by Lesley Dwyer, Chief Executive Officer of the Central Adelaide Local Health Network, as authorised by Commissioner Stevens.

COVID-19 vaccination requirements were imposed in South Australia through Directions made by Commissioner Stevens under the *Emergency Management Act 2004*, with serious penalties for refusal. The extensive series of now superseded and ceased COVID-19 Directions remains available on [the South Australian Legislation COVID-19 Directions archive](#).

Premier Malinauskas, after you became Premier in 2022, I repeatedly put you on notice of the conflict between COVID-19 vaccination mandates and valid voluntary informed consent, including in correspondence in April, May, June, July, September and November 2022.

On 29 September 2022, I specifically brought to your attention my correspondence with Martin Fletcher, then CEO of Ahpra, warning of the failure of health practitioners to obtain authentic voluntary informed consent from people subject to COVID-19 vaccination mandates. I also advised you that I had raised with major medical indemnity insurers the question of practitioners' indemnity position where voluntary informed consent had not been obtained. The Australian Government's Operation COVID Shield *Handling consent refusal* guidance was also referenced in that correspondence thread and attached to it.

On 14 November 2022, I raised the matter with you again, specifically asking whether SA Health practitioners administering COVID-19 vaccinations were aware of their obligation to obtain valid informed consent and what their medical indemnity position was if valid informed consent had not been properly obtained. This built on my email to you of 9 November 2022, forwarding my correspondence with Commonwealth Health Minister Mark Butler concerning advice about the COVID-19 Vaccine Claims Scheme from the Australian Government that **"The Scheme does not provide an indemnity for practitioners or insurers"** and that **"informed consent should be obtained for every COVID-19 vaccination, as per usual consent procedures for other vaccinations"**.

You were therefore directly alerted not only to the conflict between vaccination mandates and practitioners' obligation to obtain voluntary informed consent, but also to the serious professional and medical indemnity questions arising for the health practitioners administering the vaccines.

Indeed, in my September 2022 correspondence to you I pointedly asked you – **how could mandated medical interventions happen in Australia?**

Four years later, the fundamental question remains unanswered. The fact that these vaccination mandates have since ended does not resolve what happened to the people subjected to them.

By attaching serious consequences to refusal of a medical intervention, the mandates created a systemic voluntary informed consent problem affecting a very large population.

Some people underwent COVID-19 vaccination under threat of serious penalties for refusal; others refused vaccination and consequently suffered those penalties and exclusions. Yet valid consent to vaccination was required to be informed and voluntary.

Without valid voluntary informed consent, a practitioner cannot ethically proceed.

As SA Health has recently affirmed, valid consent was required before **"every vaccine"**. In September 2021 Ahpra confirmed that informed consent required a person's **"voluntary decision"**. The Australian Government's *Handling consent refusal* guidance for vaccination providers published in December 2021 affirmed that informed consent is "an individual's **voluntary** decision", and explicitly instructed practitioners **not to vaccinate a patient who had not provided informed consent, even if they were mandated to receive a COVID-19 vaccination**.

How, then, did the South Australian Government come to impose and maintain COVID-19 vaccination mandates carrying serious penalties for refusal?

How could this happen in a free country?

Premier Malinauskas, you must address this matter. Valid voluntary informed consent for medical interventions is a fundamental ethical principle of medicine. **By imposing vaccination mandates carrying serious consequences for refusal, the South Australian Government destroyed the conditions necessary for that consent to be informed and voluntary.**

Yours sincerely

Elizabeth Hart

Independent researcher on medical ethics and vaccination policy

Attachments

1. **SA Health response – 7 August 2026, including my email to Health Minister Blair Boyer – 11 July 2026, and my original email to Commonwealth Health Minister Mark Butler – 2 June 2026** – correspondence concerning *Handling consent refusal by people presenting for vaccination*, including my original enquiry to Minister Butler about the communication and distribution of the Australian Government guidance; my subsequent enquiry to Minister Boyer as to whether SA Health received the guidance and what action was taken to communicate or distribute it within SA Health; and SA Health's confirmation that valid consent was required before 'every vaccine'.
2. **Ahpra letter – 20 September 2021** – confirming practitioners' obligation to obtain informed consent and defining informed consent as a person's 'voluntary decision'.
3. **Australian Government – COVID-19 vaccination: Handling consent refusal by people presenting for vaccination, 15 December 2021** – guidance instructing vaccination providers that a patient must provide informed consent prior to vaccination and that they should not vaccinate a patient who has not provided informed consent, even if the patient is mandated to receive COVID-19 vaccination.
4. **Email to Health Minister Blair Boyer – 10 August 2026** – asking how the South Australian Government reconciled its COVID-19 vaccination mandates with practitioners' personal, non-delegable obligation to obtain valid voluntary informed consent, and again seeking information about SA Health's receipt and distribution of the Australian Government's *Handling consent refusal* guidance.
5. **Email to Commissioner Grant Stevens' COVID19 Command – 15 October 2021** – '*Informed consent*', '*voluntary healthcare decisions*' and *coercive vaccination*; forwarding the warning to Ahpra's CEO and specifically identifying the South Australian healthcare-worker vaccination requirement authorised by Commissioner Stevens.
6. **Email to Premier Peter Malinauskas – 29 September 2022** – bringing the Ahpra/Fletcher informed-consent issue and the medical indemnity questions to the Premier's attention.
7. **Email to Premier Peter Malinauskas – 14 November 2022, including email of 9 November 2022** – asking whether SA Health practitioners administering COVID-19 vaccinations were aware of their obligation to obtain valid informed consent and what their medical indemnity position was where valid informed consent had not been obtained; including Australian Government advice that the COVID-19 Vaccine Claims Scheme did not provide indemnity for practitioners or insurers and that informed consent should be obtained for every COVID-19 vaccination.

7 attachments

-  **5. Email to Health Minister Blair Boyer 10 August 2026.pdf**
466K
-  **1. SA Health Response 7 August 2026 including email to Health Minister Blair Boyer 11 July 2026.pdf**
235K
-  **2. Ahpra letter 20 September 2021.pdf**
105K
-  **4. Email to Commissioner Grant Stevens' COVID Command 15 October 2021.pdf**
389K
-  **3. Australian Government – COVID-19 vaccination Handling consent refusal by people presenting for vaccination.pdf**
1053K
-  **7. Email to Premier Peter Malinauskas 14 November 2022, including email of 9 November 2022.pdf**
126K
-  **6. Email to Premier Peter Malinauskas 29 September 2022.pdf**
1259K