

COVID-19 Response Enquiry

I am making a submission as a private citizen, discriminated against by the educational institution I served for 3 years, due to my health choices. This has resulted in enormous personal loss and academic loss to the aforementioned community. This submission will outline some of the arguments I believe to be paramount in considering a nuanced response to the actions taken by various levels of government during 2020-2021.

We acknowledge the multifaceted responsibilities shared between the Commonwealth and state and territory governments, as well as various national governance mechanisms, including the National Cabinet, but the perspective presented here advocates for a balanced and decentralised approach. This submission contends that neither the Federal Government nor the states and territories should exercise centralised control. Instead, the emphasis should be on providing guidance and choices for individuals who prioritise the principles of freedom and bodily autonomy, in opposition to mandating health choices which should be highly individually-led and advocated for, in a world where one-size-fits-all approaches are seen as archaic. This submission will articulate why a more decentralised and flexible approach is essential to respect the diverse perspectives and values within the Australian community, especially in matters concerning individual health choices.

A crucial aspect of advocating for a decentralised approach to COVID-19 vaccination mandates for essential workers involves expressing a broader concern about the erosion of individual freedoms through measures such as mask mandates, vaccine mandates, lockdowns, and curfews. While acknowledging the importance of public health measures in controlling the spread of the virus, it is imperative to scrutinise the necessity and proportionality of these restrictions. The imposition of such measures raises legitimate concerns about the potential overreach of governmental powers.

A decentralised approach emphasises that neither the Commonwealth Government nor state/territory authorities should wield absolute control over vaccination mandates. Instead, the focus should shift towards providing comprehensive guidance and fostering an environment where individuals can make informed choices aligned with principles of freedom and bodily autonomy, which includes the promotion of various medications to support a wide range of health needs in our diverse population, instead of only promoting one solution through various voices, more prominently mainstream media outlets and public figures or influencers. This approach ended up dividing the population instead of promoting positive responses and educating them about public health. Decentralisation allows for a more nuanced understanding of regional dynamics and ensures that policy responses remain flexible and adaptable to the diverse needs of the Australian population.

Crucial to the argument for decentralisation is the recognition of individual choices. While public health imperatives necessitate vaccination efforts, it is equally imperative to respect the autonomy of individuals in making decisions about their health. Mandates, particularly for essential workers such as teachers, should be reframed as recommendations rather than strict requirements, allowing individuals to assess the risks and benefits based on their unique circumstances. The emphasis on guidance over mandates is crucial for striking a balance between public health imperatives and individual freedoms. Governments, both at the federal and state/territory levels, should focus on providing comprehensive information about the safety and efficacy of vaccines, addressing concerns, and actively engaging with

communities. This approach allows for a more inclusive dialogue that considers diverse perspectives, cultural variations, and individual circumstances.

In the case of *Secretary, Department of Education v Dawking* [2023] NSWPICPD 23 (1 May 2023) (see reference section for link) , Dr. Paul Wood, the appellant's Executive Director of Educational Standards, provided a statement outlining the timeline of events regarding the COVID-19 vaccination mandate for education workers. According to Dr. Wood, the New South Wales Government mandated COVID-19 vaccinations for education workers on 27 August 2021, with a deadline for full vaccination set for 8 November 2021. The appellant, Department of Education, implemented determinations requiring employees to be fully vaccinated unless medically contraindicated, with disciplinary actions for non-compliance. Dr. Wood detailed various communications, guidelines, and directives issued by the appellant, emphasising the seriousness of non-compliance. Notably, he mentioned a policy introduced in November 2021 for managing non-compliance, where cases were referred to the Professional Ethical Standards Directorate for individual assessment. The case also refers to Dr. Wood's oral evidence, highlighting key points such as the limited basis for vaccination exemptions, the small number of non-compliant staff, and the requirement for fully vaccinated staff to return to schools from May 2022, even if not all were fully vaccinated. This legal context provides insights into the enforcement and implementation of COVID-19 vaccination mandates in the education sector.

The actions outlined in the case of *Secretary, Department of Education v Dawking* [2023] NSWPICPD 23 (1 May 2023) reveal a concerning level of harshness and overreach in enforcing COVID-19 vaccination mandates for education workers. The mandated vaccination deadline, coupled with the imposition of disciplinary actions for non-compliance, suggests a rigid approach that may not fully consider individual circumstances or potential medical contraindications, as Dawking was single-dose vaccinated but experienced an adverse effect to the vaccine. The detailed communications, guidelines, and directives, as presented by Dr. Paul Wood, underscore the severity with which non-compliance was addressed by DET, potentially raising questions about the proportionality of the response. Moreover, the limited basis for vaccination exemptions, coupled with the notation of disciplinary actions remaining on a teacher's record, points to a stringent enforcement strategy that might not adequately accommodate the diverse and complex situations that individuals may face. It is crucial to critically examine the balance between public health imperatives and the preservation of individual rights, raising concerns about the potential overreach of governmental powers in navigating the complexities of pandemic response.

To address these concerns and ensure accountability, there is a compelling need **for a comprehensive COVID inquiry**. This inquiry should delve into all aspects of how the pandemic was handled, examining the effectiveness of various interventions, **including state and territories' measures**, assessing the impact on individual freedoms, and scrutinising the decision-making processes that led to the implementation of certain measures. A transparent and independent inquiry would not only address lingering questions but also serve as a crucial mechanism for learning and refining future pandemic responses. By demanding a thorough investigation, we assert our right to a clear understanding of the events that shaped our response to the pandemic and advocate for a more transparent and accountable governance framework moving forward.

References

Secretary, Department of Education v Dawking [2023] NSWPICPD 23 (1 May 2023) (2023) *Internet law*. Available at:

<https://internetlaw.com.au/secretary-department-of-education-v-dawking-2023-nswpicpd-23-1-may-2023/> (Accessed: 11 December 2023).