

Date: 15 December 2022

To: Department of the Prime Minister and Cabinet, PO Box 6500, Canberra ACT 2600

Re: Commonwealth Government COVID-19 Response Inquiry Terms of Reference

Dear Officer,

Introduction: The Department of the Prime Minister and the Cabinet (**the Department**) have invited submissions for the Commonwealth Government COVID-19 Response Inquiry

This is a submission by [REDACTED] a former employee of [REDACTED] a [REDACTED] business. Australia holds obligations and is a signatory to various international human rights treaties and covenants.

Executive Summary Australia as a nation is founded on the rule of law and has a strong common law and jurisprudential tradition of protecting the rights and freedoms of individuals. Fundamental elements of our Governance structure and laws serve to protect these rights and freedoms, including the separation of powers between the judiciary and the executive and the Principle of Legality, which ensures that legislation should not infringe fundamental rights and freedoms unless the legislation expresses a clear intention to do so, and the infringement is reasonable.

Domestically, Australia has comprehensive statutory frameworks in place intended to protect the right of Australian citizens to privacy, as well as the right to equal treatment and freedom from discrimination. The High Court has found that the Constitution contains an implied freedom of political communication, and there remains some open questions as to whether other rights, such as freedom of movement, are protected as well (via prohibitions on restrictions of trade between States, for example).

On the international stage, Australia has asserted itself as among the leaders in becoming a party to and advocating for the core international treaties and covenants. Australia was one of only eight nations involved in drafting the Universal Declaration of Human Rights. In addition, Australia as a nation is a party to the seven-core international human rights treaties.

My employment was terminated on the [REDACTED] 2022, a direct result of myself rejecting an order by my employer [REDACTED] to agree and submit to having the Covid 19 vaccinations. (C-19 V) which I believe to be in breach of my human right. ⁱ

Several rights protections have been enshrined into Australian domestic law, and the Australian Human Rights Commission, itself enacted by statute, is tasked with defending the rights obligations of

Australian citizens whether those rights are enshrined in domestic statute. It is worth noting that the AHRC Act itself includes several of the international human rights conventions which Australia is party to, and which the Act's definition of 'human rights' refers to, within it.

During the 'lockdowns' when the public emergencies were in place, I was directed to continue in my current role with full endorsement of my employer with a skeleton staff of [REDACTED]. I maintained daily operations at the location as [REDACTED] Manager and worked exceedingly hard, undertook multiple roles and worked long hours whilst 30 other employees were stood down on job keeper payments. There was no request, order or stipulation at this time to have a C-19 V. I commenced employment at this company in [REDACTED] which equates to [REDACTED] years of dedicated loyal service.ⁱⁱ To be terminated from my work, left without employment and income at [REDACTED] years of age, removed from opportunities and future plans, having to sell my house to avert financial disaster, being subjected to total humiliation and discrimination, this action violated my human rights.

I believe in my situation The Australian Human Rights Commission, a statutory body established by the *Australian Human Rights Commission Act 1986* (the AHRC Act) did nothing to protect my human rights or fulfill its function for myself being an Australian citizen. I was left undefended, unrepresented and bewildered. The Commission was unresponsive.ⁱⁱⁱ I felt that I was living in a country that simply didn't care. I was shocked and in disbelief at what was happening. I had strong belief and respect for our systems fairness, equity and integrity.

When finally, my employer mandated C-19 V, which I vehemently disagreed with. Various domestic statutes, such as the *Guardianship Act 1987 (NSW)*, the *Mental Health Act 2007 No 8 (NSW)* and the *Victorian Charter of Human Rights and Responsibilities Act 2006 (VIC)* contain definitions of the concept that are generally analogous. The latter, for example, has the following definition: "A person must not be...subjected to medical or scientific experimentation without his or her full, free or informed consent".

This is, again, an example of a human right which Australia has covenanted into via an international treaty which has been enshrined into our domestic law. The principle is also reflected in the many regulations that inform both the medical and legal professions in this country. For example, the Code of Conduct for doctors' states unequivocally that "informed consent is a person's voluntary decision about medical care that is made with knowledge and understanding of the benefits and risks involved".

I requested a risk assessment on adverse effects of the C-19 V from [REDACTED].^{iv} and was provided with a 4-page document on transmission risks.^v I attended a GP tele health appointment requesting information on C-19 V adverse effects and an exemption to this treatment which was firmly denied. [REDACTED] then declared that a workplace survey had been undertaken by all employees in which

vaccination status was required. Finally, I was instructed to comply with this directive to have the C-19 V or be terminated.^{vi} Subsequently I was stood down without pay on [REDACTED] 2021 and terminated on [REDACTED] 2022.^{vii}

Law Reform Commission states that “Informed consent refers to consent to medical treatment and the requirement to warn of material risk prior to treatment. As part of their duty of care, health professionals must provide such information as is necessary for the patient to give consent to treatment, including information on all material risks of the proposed treatment. Failure to do so may lead to civil liability for an adverse outcome, even if the treatment itself was not negligent”. There are many other examples.

With respect to Privacy and C-19 I saw my employer and [REDACTED] intrude into the private medical histories and information of myself and of other employees, with no regard for the Australian Privacy Principles, enshrined in the Privacy Act 1988 which provide stringent restrictions and conditions on the collection and storage of this information. [REDACTED] instructed each business operating within its precinct to comply and provide names of each staff member and their C-19 V status. As [REDACTED] Manager I was directed to do this on their [REDACTED] internal portal, in which I refused. I discussed this with my State Manager, I believed a violation of privacy was being committed and further, I felt bullied and pressured to adhere from the ongoing [REDACTED] emails and phone calls. Later [REDACTED] also used their HR portal called [REDACTED] where all employees have access. They were directed to enter their C-19 V status on their private log-in, which was monitored by HR as I was contacted re those individuals who had not complied to this directive.

Sincerely,

[REDACTED]

[REDACTED]

ⁱ Termination of Employment: (Evidential Documentation Exists)

ⁱⁱ Certificate of Service: (Evidential Documentation Exists)

ⁱⁱⁱ [REDACTED] Human Rights Discrimination Form: (Evidential Documentation Exists)

^{iv} Response from [REDACTED] re Risk Assessment: (Evidential Documentation Exists)

^v Risk Assessment Ranking: (Evidential Documentation Exists)

^{vi} Show Cause Letter: (Evidential Documentation Exists)

^{vii} Termination of Employment and Show Cause Outcome: (Evidential Documentation Exists)