

## SUBMISSION

On 5<sup>th</sup> August, 2021, then Prime Minister Scott Morrison said: “We do not have a mandatory vaccination policy in this country. We do not have that. We’re not proposing to have that. That is not changing.”

Morrison was speaking correctly in relation to the Biosecurity Act 2015 when he said Australia has no law for general mandatory vaccines.

<https://www.legislation.gov.au/Details/C2020C00127>

All actions and directives during 2020-2023 in relation to the Covid 19 pandemic should have been strictly carried out in relation to the Biosecurity Act 2015. **THEY WERE NOT.**

I submit that the central work of the Covid Inquiry is to determine which aspects of the Biosecurity Act 2025 were not followed, and to show they way to potential prosecution of offenders, even if they were public officers.

The National Cabinet during 2020-2021 determined that the State governments could control the pandemic response in the different States. THIS IS IMPERMISSABLE UNDER THE BIOSECURITY ACT. It is fundamental to the Australian legal system that if a State law contradicts a Federal law, the Federal law has precedence. THIS WAS NOT FOLLOWED. Many measures were carried out according to State health acts which were in conflict with the Federal Biosecurity Act. For example, the general mandate for vaccination for all registered workers (under the Victorian Public Health and Wellbeing Amendment [Pandemic Management] Bill 2021) was in conflict in very many ways with the Biosecurity Act 2015. It is the latter which should have been followed.

The Australian government used the Biosecurity Act selectively. Chapter 8 of this Act details exactly what must happen in a condition of biosecurity emergency. These are the only aspects of this Act which were applied:

1. The Governor General pronounced a 3 month (extendable) emergency
2. Movement of people in and out of the country was restricted

The National Cabinet left the rest to the discretion of the States and the rest of the Chapter 8 emergency provisions were ignored.

### REQUEST:

The Covid Inquiry must thoroughly examine whether the National Cabinet had the legal right to hand over most of the Covid measures to the States. If it finds the National Cabinet acted illegally, the Covid Inquiry must point the way to legal consequences.