

**PLEASE NOTE:** This template letter is drafted to express to the third party that you are feeling pressured economically to submit to a Covid-19 vaccine, and this pressure is interfering with your ability to consent or decline to this medical procedure.

Please read this template letter carefully, and if the contents describe your circumstances, you may wish to use it to respond to the third party. **This letter does not contain specific legal advice to your particular circumstances. It is cast in general terms and contains general legal information that is readily available to the public.**

**Instructions on how to use this template:**

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Save As your own name and date.

[Your name  
Position (student/nurse etc)  
Email address

[Insert Name of person who sent vaccine direction  
Role  
Company/institution]

[Today's date]

By email: [insert person's email address]  
CC [insert your federal MP's email and send copy of this letter]

### COVID-19 Vaccine Direction

Your economic duress is negating my ability to decline a Covid-19 vaccine

To [Insert name of person sent vaccine direction]

I refer to your correspondence dated dd/mm/yyyy.

Within your correspondence you have stated that I am required to provide evidence to you that I have been injected with a Covid-19 vaccine to continue my **employment/complete my studies**.

On **23/24 July 2021** Prime Minister Scott Morrison made a statement to the media and Australia concerning **informed consent**. In this statement the PM made it clear that in Australia:

*“ ... we are all responsible for our own health ... That in our country ‘people make their own decisions about their own health and their own bodies **AND THAT IS WHY WE DON'T HAVE MANDATORY VACCINATIONS ...** ”*

**Take note:**

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- It is a long-established principle of law that consent cannot be given in circumstances of duress and coercion.
- If I were able to freely choose, I would not elect or choose to being injected with any of the currently available Covid-19 vaccines.
- You are interfering with my freedom to decline a Covid-19 vaccine by threatening me with loss of **employment/opportunity to complete my studies** if I do not provide evidence to you that I have been injected with a Covid-19 vaccine.
- Your threat to me that I will lose **my employment/opportunity to complete my studies** if I am not injected with a Covid-19 vaccine may amount to unconscionable and illegitimate economic duress, by you, upon me.
- In the Australian Government's Immunisation Handbook under Section 2.1.3 Valid Consent, it states that for consent to be legally valid "It must be given voluntarily in the absence of undue pressure, coercion or manipulation."
- Consent to a medical procedure requires the patient or recipient, after being informed of the risks and benefits of the procedure, is able to freely choose to undergo or decline the procedure.

The threat contained within your correspondence is exerting economic duress upon me by forcing me to choose between participating in a Covid-19 vaccination clinical trial, or to lose my **job/opportunity to graduate**.

In the circumstance of economic duress being exerted upon me by you I am unable to provide consent to be injected with a Covid-19 vaccine, as duress vitiates consent.

Performing a medical procedure upon another person, absent the recipient's consent, can amount to the criminal offence of battery, and or the tortious offence of trespass against the person.

In circumstances where consent has not, or cannot be given, the person performing the procedure may be liable both criminally and civilly. This liability is likely to extend to any individual that is exerting unconscionable and illegitimate pressure, such as economic duress, upon a person's ability to decline to a medical procedure.

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The threat contained in your correspondence is also causing me an apprehension of a battery. This apprehension may constitute an assault.

Please note that the Courts offer protection for people apprehending violence against their person. Protection includes issuing apprehended violence orders and restraining orders against individuals threatening violence. Violence can include exerting economic duress upon a person if they do not submit to a battery.

I also draw your attention to the following:

- On **22 February 2021** the Federal Minister for Health Greg Hunt MP described Australia's Covid-19 vaccine rollout as being part of a global clinical trial.

**In ordinary circumstances I would not consent to participating in a clinical trial, the pressure you are exerting upon me is affecting my ability to decline participation in this clinical trial.**

- The Covid -19 vaccines being trialled in Australia do not provide immunity against the SARS-CoV-2 virus or any of its variants. Nor do the vaccines prevent transmission.

**I would not consent to a medical procedure that does not provide protection against infection. This presents to me an unnecessary health risk for no perceived health benefit.**

**The pressure you are exerting upon me is negating my ability to decline this medical procedure.**

- There are anti- viral treatments available that provide protection against SARS-CoV-2 and that also treats the symptoms of Covid-19.

**I would consider using these alternative treatments, that have proven to be safe and effective over a long period of time, before taking any of the currently available Covid-19 vaccines.**

- Covid-19 has not proven to be a significant threat to human health on a nationally significant scale. Only a very small portion of the Australia's general population is at risk of becoming seriously unwell from Covid-19; namely the elderly and the already sick. The average age of death from Covid-19 in Australia is over 80 years of age.

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**I am not part of the very small portion of the general population who are at serious risk from Covid-19.**

I am considering all legal protections available to me, including restraining orders, to protect my rights and to protect my person against your assault and threat of battery through the unconscionable and illegitimate economic duress contained in your correspondence, which is affecting my freedom to decline a Covid-19 vaccine.

I note the following information published by the Therapeutic Goods Administration on behalf of the Australian Government Department of Health:

- The Australian Public Health Assessment Report for BNT162b2 (mRNA), with Propriety Product Name: Comirnaty, and Sponsor: Pfizer Australia Pty Ltd, dated January 2021.
- The Australian Product Information Sheet for the Pfizer vaccine above.
- The Australian Public Assessment Report for ChAdOx1-S, with Propriety Product Name: COVID 19 Vaccine AstraZeneca, and Sponsor: AstraZeneca Pty Ltd, dated February 2021.
- The Australian Product Information for the AstraZeneca Vaccine above.

The above information reveals the following:

- Approvals were given without complete safety and efficacy data being available.
- The long-term safety and efficacy of these vaccines are unknown.
- The duration and effect of vaccine protection from these vaccines are unknown.
- Vaccine efficacy against asymptomatic infection and viral transmission is unknown.
- The concomitant use of these vaccines with other drugs and vaccines is unknown.
- Vaccine data in pregnant women and lactating mothers is unknown.
- Vaccine efficacy and safety in immunocompromised individuals is unknown.
- Vaccine efficacy and safety in paediatric subjects (< 16 years old) is unknown.
- Vaccine efficacy and safety in elderly subjects (> 85 years old) is unknown.

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- A correlate of protection has yet to be established. The vaccine immunogenicity cannot be considered and used as the surrogate for vaccine protective efficacy at this stage.
- The novelty of the mRNA technology and its possible effects are unknown.
- The real-world vaccine effectiveness when these vaccines are rolled out to a larger and more diverse population is largely unknown.

I further note that:

- The vaccine companies' trial and study documentation and the surveillance data from overseas reveals numerous adverse health events linked to the vaccines including hypersensitivity, anaphylaxis, anxiety related reactions, increased triggers for autoimmune disease, thrombocytopenia and coagulation disorders, exacerbation of neurological events, paralysis, convulsions and death.
- The biggest risk with both vaccines is auto-immune response. From an immunology perspective, the antibodies may be 'tricked' into destroying otherwise healthy cells when encountered in future.
- Previous coronavirus vaccines have never passed the pre-clinical stage. SARS-CoV vaccines were tested in a number of animal trials conducted which resulted in consistent auto-immune reaction outcomes. Furthermore, the m-RNA vaccines have not been used on humans before.
- The disease COVID-19 presents a 99.9% rate of full recovery for those under 70 years of age with no serious co-morbidity. Directing and/or mandating vaccines on the whole population given these statistics is a disproportionate response.
- It remains unclear if any or sufficient insurance cover will be available in the event I suffer injury, and in the absence of a comprehensive no fault vaccine injury compensation scheme, there is a real likelihood that I may not be compensated.
- The vaccine companies have a history of criminal conduct including charges and convictions for illegal marketing, bribery and health care fraud.

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- The Australian Government has made it abundantly clear that vaccination against COVID-19 will be voluntary for the Australian public and no disincentives will apply (e.g. denial of financial benefits) to those choosing not to get vaccinated.
- Alternative controls are available to employers and occupiers to maintain occupational health and safety and public safety.

I further note that numerous laws, regulations and policies protect the right of informed consent in receiving a vaccine or any medical procedure, including but limited to:

- The *Commonwealth Constitution* s.51(xxiiiA) which prohibits civil conscription into medical and dental services.
- The *Biosecurity Act 2015* (Cth) s.95 prohibits the use of force for vaccination.
- The *Biosecurity Act 2015* (Cth) s.92 prohibits vaccination or treatment without an individual Biosecurity Control Order with stringent requirements.
- Article 6 of the UNESCO statement on Bioethics and Human Rights, Section 1, states “Any preventative diagnostic and therapeutic medical intervention is only to be carried out with the prior free and informed consent of the person concerned, based on adequate information. The consent should, where appropriate, be express and may be withdrawn by the person concerned at any time and for any reason, without disadvantage and without prejudice”.
- Nuremberg Code, Article 1, states “The voluntary consent of the human subject is absolutely essential”.
- The Siracusa Principles, adopted by the UN Economic and Social Council in 1984 provide authoritative guidance on government responses that restrict human rights for reasons of public health or national emergency. These Principles state that measures taken to protect the population that limit people’s rights and freedoms **must be lawful, necessary, and proportionate**.
- Section 83.4 of the *Criminal Code Act 1995* (Cth), which relates to interfering with political liberty states “Any person who, by violence or by threats or intimidation of any kind, hinders or interferes

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with the free exercise or performance, by any other person of any political right or duty shall be guilty of an offence”.

Yours faithfully

*Esig or italics sig*

Name



ASHLEY, FRANCINA, LEONARD  
& ASSOCIATES

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