



## MYTH VERSUS FACT:

A simple & practical

# GUIDE FOR BUSINESSES

to thrive during uncertain times

## Get educated. Know the facts.

### Dear Business Owner,

Whichever way you look at it, things have been unpredictable for many businesses since 2020. While some have thrived during these unusual times, others have struggled to survive. If you're reading this now, it's because you're one of the ones that have made it.

We've pulled this Guide together because it's our deepest hope you'll continue to make it. And beyond that, to thrive. We know that along with all the pressures business owners face day to day, it can be stressful and confusing to navigate mandates and directives during these times. That's not all.

You want to do the best for your customers, your staff and your business. So it's best to go along with what's being asked, right? Actually, no. The reality is that government mandates and directives are not law. State and federal mandates and directives can often contradict each other

AND you have more basic rights than what you think (for example under natural laws).

These pathways have the potential to empower you and offer you solutions and freedoms you may have never heard of or imagined were possible...until now. While it may seem that everything is starting to go back to 'normal' and you don't need to educate yourself on these matters, restrictions can be imposed again at a drop of a hat. Just look at the second, third and fourth waves happening overseas.

**Myth Versus Fact: A Simple & Practical Guide for Businesses to Thrive During Uncertain Times** has been collated by human rights advocates and community members who wish to inform businesses like you about your legal rights and your entitlements as a vital part of the community during these times.

**Happy reading!**

# MASK FACTS

## MYTH 1

Masks are mandatory.

## FACT

Masks are not legally enforceable. A mandate is not law. Businesses will NOT be fined for allowing entry to non-mask wearers. It is clearly stated on State Government websites that masks do not need to be worn by people with medical exemptions. In some cases, State Governments have deemed that it is up to the individual to decide if they have a medical reason or not. Further, under the Commonwealth Privacy Act 1988, customers do not have to divulge their personal medical history to you. Under the Disability Discrimination Act 1992, it is discrimination to refuse entry to someone based on their personal medical history.

Check out the NSW Government's face mask rules on:  
<https://www.nsw.gov.au/covid-19/rules/face-mask-rules>

## HOW EFFECTIVE ARE MASKS ANYWAY?

### MYTH 1

Masks are effective in preventing transmission of respiratory pathogens.

### FACT

Numerous studies show face masks have no detectable effect against transmission of virus infections, either when worn by infected people or by non-infected people. In other words, there is no conclusive relationship between mask use and protection against influenza action.

### MYTH 2

It's easy to catch COVID, so we should wear a mask in public.

## FACT

New England Journal of Medicine has stated that the chance of catching Covid-19 from a passing interaction in a public space is minimal and that "in many cases, the desire for widespread masking is a reflexive reaction to anxiety over the pandemic."

## MYTH 3

N95 respirators and surgical masks work.

## FACT

Randomised controlled trials and observational studies of N95 respirators and surgical masks used by healthcare workers do not show benefit against transmission of acute respiratory infections. There is a lack of substantial evidence to support claims that face masks protect either the patient or surgeon from infectious contamination.

## MYTH 4

It's easy to breathe when wearing masks.

## FACT

Some studies show that masks may actually reduce forward airflow by 90% or more over wearing no mask. Backward unfiltered airflow was found to be strong with all masks compared to not masking.

## MYTH 4

It's OK to wear masks when exercising.

## FACT

There are concerns about the possible burden of face masks during physical activity on pulmonary, circulatory and immune systems, due to oxygen reduction and air trapping reducing substantial carbon dioxide exchange.

*(See links to scientific studies on the top of page 3)*



## Case Study: Our children need our smiles

"My 3-year-old son Noah is usually smiling when we go out and about, but I saw a shift in him as we arrived at the Bangalow farmers market last Saturday. He got out of the car and as we were walking down, he looked around concerned, asked me to hold him, then asked, "why the peoples is wearing masks, mummy?", I turned the question to him and said, "why do you think they are wearing masks sweetheart?", to which he replied "because they are not allowed to smile, mummy?". Later, at the markets, many people took off their masks as soon as they heard that story and told Noah, "here's my smile". You could see them recognising how this is affecting children."

*Rinat Strahlhofer, Byron Bay resident*

## SCIENTIFIC STUDIES THAT WILL MAKE YOU THINK TWICE ABOUT THE BENEFITS OF WEARING A MASK

<https://www.medrxiv.org/content/10.1101/2020.03.30.20047217v2>  
[https://wwwnc.cdc.gov/eid/article/26/5/19-0994\\_article](https://wwwnc.cdc.gov/eid/article/26/5/19-0994_article)  
<https://www.medrxiv.org/content/10.1101/2020.04.01.20049528v1.full.pdf>  
<https://jamanetwork.com/journals/jama/fullarticle/2749214>  
<https://www.cmaj.ca/content/188/8/567>  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5779801/>  
<https://pubmed.ncbi.nlm.nih.gov/19216002/>  
<https://arxiv.org/ftp/arxiv/papers/2005/2005.10720.pdf>  
<https://www.tandfonline.com/doi/pdf/10.1080/15459620903120086>  
<https://aaqr.org/articles/aaqr-13-06-0a-0201.pdf>  
<https://bmjopen.bmj.com/content/5/4/e006577.long>  
<https://www.honeywell.com/us/en/news/2020/03/n95-masks-explained>  
<https://academic.oup.com/cid/article/65/11/1934/4068747>  
[https://onlinelibrary.wiley.com/doi/epdf/10.1111/j.1750-2659.2011.00198.x?fbclid=IwAR3kRYVYDKb0aR-su9\\_me9\\_vY6a8KVR4HZ17J2A\\_80f\\_fXUABRQdhQlc8Wo](https://onlinelibrary.wiley.com/doi/epdf/10.1111/j.1750-2659.2011.00198.x?fbclid=IwAR3kRYVYDKb0aR-su9_me9_vY6a8KVR4HZ17J2A_80f_fXUABRQdhQlc8Wo)  
<https://www.medpagetoday.com/infectiousdisease/publichealth/86601>  
[https://onlinelibrary.wiley.com/doi/epdf/10.1111/j.1750-2659.2011.00198.x?fbclid=IwAR3kRYVYDKb0aR-su9\\_me9\\_vY6a8KVR4HZ17J2A\\_80f\\_fXUABRQdhQlc8Wo](https://onlinelibrary.wiley.com/doi/epdf/10.1111/j.1750-2659.2011.00198.x?fbclid=IwAR3kRYVYDKb0aR-su9_me9_vY6a8KVR4HZ17J2A_80f_fXUABRQdhQlc8Wo)  
[https://www.jstage.jst.go.jp/article/bio/23/2/23\\_61/\\_pdf/-char/en](https://www.jstage.jst.go.jp/article/bio/23/2/23_61/_pdf/-char/en)  
<https://link.springer.com/article/10.1007%2FBF01658736>  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2493952/pdf/annrcse01509-0009.pdf>

[https://www.journalofhospitalinfection.com/article/0195-6701\(91\)90148-2/pdf](https://www.journalofhospitalinfection.com/article/0195-6701(91)90148-2/pdf)  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4480558/>  
<https://www.researchsquare.com/article/rs-16836/v1>  
<https://academic.oup.com/annweh/article/54/7/789/202744>  
<https://www.acpjournals.org/doi/10.7326/M20-1342>  
<https://academic.oup.com/annweh/article/54/7/789/202744>  
<https://bmjopen.bmj.com/content/5/4/e006577>  
<https://ajph.aphapublications.org/doi/pdf/10.2105/AJPH.10.1.34>  
<https://www.nejm.org/doi/full/10.1056/NEJMp2006372>  
<https://pubmed.ncbi.nlm.nih.gov/29395560/>  
<https://pubmed.ncbi.nlm.nih.gov/32590322/>  
<https://pubmed.ncbi.nlm.nih.gov/26579222/>  
<https://pubmed.ncbi.nlm.nih.gov/30029810/>  
<https://pubmed.ncbi.nlm.nih.gov/30169507/>  
<https://pubmed.ncbi.nlm.nih.gov/30029810/>  
<https://pubmed.ncbi.nlm.nih.gov/31159777/>  
<https://pubmed.ncbi.nlm.nih.gov/30035033/>  
<https://bmjopen.bmj.com/content/5/4/e006577>  
<https://scielo.isciii.es/pdf/neuro/v19n2/3.pdf>  
<https://www.jimmunol.org/content/177/8/4962>  
<https://europepmc.org/article/PMC/3420330>

Get educated. Know the facts.

## QR SCAN FACTS

### MYTH 1

Businesses have been told that the QR check-in is 'mandatory'.

### FACT

Mandatory QR check-ins are NOT a legal mandate. It is actually illegal to enforce people to check in with a QR code or to refuse service to a person who doesn't scan the QR code (Amendment to Section 94H of the Federal Government Privacy Act 1988). The penalty for enforcing QR scanning or service can be a \$66,600 (300 penalty units at \$222 per unit) fine or a 5-year jail (PRIVACY ACT 1988 SEC 94 H).

[www5.austlii.edu.au/au/legis/cth/consol\\_act/pa1988108/s94h.html](http://www5.austlii.edu.au/au/legis/cth/consol_act/pa1988108/s94h.html)

### MYTH 2

Customer information and data is safe in the hands of the State Government.

### FACT

"Service NSW", which is responsible for managing the "COVIDSafe app" and data collection, was the target of one of the largest privacy data breaches ever to hit a NSW government agency. The Auditor General of NSW found in a report that: "Service NSW is not effectively handling personal customer and business information to ensure its privacy. It continues to use business processes that pose a risk to the privacy of personal information."

<https://www.audit.nsw.gov.au/our-work/reports/service-nsws-handling-of-personal-information>

# STAYING OPEN FACTS

## MYTH 1

During these times, it's my duty as a business owner to do as the Government directs or mandates, even if this means my business is running at a loss.

## FACT

Your obligations to the Government do NOT supersede your obligation to your family, yourself, your customers, your community and your integrity. You have legal rights to protect your personal and professional interests, rather than the interests of the Government.

## MYTH 2

During lockdowns and other Government issued restrictions, I have to close my business down.

## FACT

It may look like you have to close down, but if you read the fine print closely, the Government always leaves a loophole for you NOT to close down.

## MYTH 3

Police can close down my business under COVID regulations.

## FACT

Firstly, with all due respect, police don't always understand what Government regulations around COVID are. Secondly, public health and wellbeing should be enforced by authorised health officers, not police. Most importantly, there always has to be reasonable grounds to close a business as outlined in the 1990 George vs Rocket Case in the High Court of Australia. As a result of this case, to establish "reasonable grounds", there needs to be existence of facts. So if the police are making a claim that you need to close your business, they bear the burden of proof. They need to have reasonable grounds to compel you to close your business down based on fact, not assumptions. For example, stating that your business could "maybe" or "could be" a risk to public health is not a fact. They need to provide evidence that your business is a risk to public health.

## MYTH 4

If my business suffers as a result of Government actions during these times, the Government is liable for my losses.

## FACT

The Government will NOT accept liability for your losses which is why they make Acts and legislations in such a way that it doesn't actually compel you to perform them. There are always loop holes.

**Regardless of how much or how little you know about law, here are some essential questions you can ask police if they are trying to shut down your business:**

1. "Why are you here?" Allow them to make their claim.
2. "He who makes the claim bears the burden of proof so where is the evidence that my business is a risk to public health?"
3. "Do you have the facts or are you just assuming I've committed an offence?"
4. "Do you have reasonable grounds to close down my business?"
5. "Under which Act or legislation?"
6. "Where does the law compel me to do that?"
7. "How does that apply to me? OR Aren't you applying legislation to me in a way that will cause harm to me, my family and future earnings capacity?"
8. "Are you being directed by the Government?"
9. "Is the Government paying businesses to shut down?"
10. "As a police officer, haven't you taken an oath to uphold the duties and powers of Common Law?"

## TIPS & SOLUTIONS

- Gather evidence by filming any interaction you have with police. This can be helpful later on if you believe justice has been perverted and you'd like to take the matter further.
- Use trespass signs on your business and get security cameras.
- Be polite and respectful. Stay calm.



### Case Study:

A Melbourne gym owner stands up for his rights

**Melbourne gym owner and former professional mixed martial arts fighter Nick Patterson is somewhat of a social media personality in certain circles – thanks to his successes in standing up to the police, members of DHHS and Government.**

Sorely tested emotionally and financially during COVID, he stood his ground and applied his knowledge of legal principles to defend his rights and keep his gym open during the four occasions police came to shut down his business. Ultimately, Nick's priority was to defend his "family, beliefs and livelihood".

"While my actions did receive mixed reactions, there were so many who appreciated the little guy getting a win against the corrupt system," he said. "I started learning about law about seven years ago when I became aware that the system was operating in a way that was inconsistent with the actual law. It's up to all of us to learn more about our legal entitlements, and use them to protect what is most important."

*Find out more about Nick and his work on: [www.john8.net](http://www.john8.net)*



### Case Study:

Essential Business Sticker Campaign

**A group of residents in Mullumbimby in the Byron Bay Shire has launched an initiative to celebrate local businesses during these tough times.**

A yellow sticker with the words "I am an Essential Business, Mullumbimby" has started popping up in shops across the area, thanks to local Angela Bambach who dreamt up the concept. Angela says, "We see each business as an integral part of the fabric of our community and we wanted to acknowledge that publicly. They're essential to us, we're essential to them. It's a symbiotic relationship and we want to let them know that it's the community that shows up for each other in these times. Our local business owners are heroes to us!"

*A short video of the project is at:  
<https://youtu.be/RjNzYoLFbPg>*

*To get involved in your local community visit:  
[www.iamanessentialbusiness.com](http://www.iamanessentialbusiness.com)*

*Check us out on instagram:  
@[iamanessentialbusiness](https://www.instagram.com/iamanessentialbusiness)*



# INFORMATION ON THE BIOSECURITY ACT 2015

This legislation is designed to contain epidemics and pandemics in Australia. When applied, it basically gives the Federal Government emergency powers it normally wouldn't have in "normal" circumstances.

**What most people don't realise is that it pays to understand the Biosecurity Act so there's not an over-reach of powers from authorities. Here are some of the key points:**

- The Act has priority over all State and Territory legislation during an emergency.
- The Federal Government can declare an emergency if it is satisfied a "listed human disease is posing a severe and immediate threat, or is causing harm, to human health on a nationally significant scale" and the declaration is necessary to contain the disease.
- Further, the Health Minister may impose specific requirements regarding the movement of people or goods.

## **HOWEVER, YOU STILL HAVE RIGHTS**

- Unless authorities can show that you are exposed to a risk, to the disease, or you have signs and symptoms of that disease, no law or policy can require you to be bodily sampled, vaccinated, detained, isolated, mandated to wear masks unless it is under strict circumstances.
- For example, **imposing a human biosecurity control order on someone can only be done by an**

**AUTHORISED OFFICER**, specifically a chief human biosecurity officer, a human biosecurity officer or a biosecurity officer - **NOT police**.

- You do not need to comply with anything unless you have been issued with a biosecurity control order detailing a list of very specific things (for example, proving that you are infectious). **This is the law.**
- Perfectly healthy people should not be required to do anything because the presumption under the Biosecurity act is that **YOU ARE HEALTHY UNTIL YOU ARE PROVEN SICK**, NOT the other way around.
- Interestingly, force must not be used against someone to get them to comply with certain measures in the Biosecurity Act.

## **Here are some questions you can pose to police officers:**

1. "Are you an authorised officer?"
2. "Am I at risk and has a medical practitioner assessed my infectious risk status?"
3. "Have you issued me a specific Biosecurity control order, specifying all reasons etc?"

Knowing even just these basics about the Biosecurity Act 2015 will get you a long way. You can read the Act further here: <https://www.legislation.gov.au/Details/C2020C00127>

## Get educated. Know the facts.

Remember, mandates and directives from the Government or any other authority are **NOT LAW**. Our natural rights are actually enshrined within Natural Law and Common Law, which have been used to govern and keep peace in communities since earliest civilisations. Bodily sovereignty is one of these rights. **Most of Australia's media is owned by two corporations.**

So try and seek out independent sources of information and use alternate search engines, eg: DuckDuckGo and Ecosia. Do your own research. Think critically and without bias. Ultimately, our actions will create the reality we live in.

### **To learn more about your rights visit:**

[www.iamanessentialbusiness.com](http://www.iamanessentialbusiness.com)  
[www.solutionsempowerment.com](http://www.solutionsempowerment.com)  
[www.knowyourrights.com.au](http://www.knowyourrights.com.au)  
[www.john8.net](http://www.john8.net)  
[www.constitutionwatch.com.au](http://www.constitutionwatch.com.au)  
[www.operationshop.org](http://www.operationshop.org)  
[www.reigniteddemocracyaustralia.com.au](http://www.reigniteddemocracyaustralia.com.au)  
[www.copyrightclaimservices.com](http://www.copyrightclaimservices.com)  
[www.tombarnett.tv](http://www.tombarnett.tv)  
[www.empoweredlifestyleacademy.com](http://www.empoweredlifestyleacademy.com)