**Vaccine Declination Letter**

Dear…….,

I refer to your request to me that I am required to have the COVID-19 vaccine. Please clearly provide to me in writing, the legislative direction that compels me to be subjected to the COVID-19 vaccination.

I bring to your attention the Federal Government announcement that the COVID-19 vaccination will be voluntary.

<https://www.health.gov.au/initiatives-and-programs/covid-19-vaccines/getting-vaccinated-for-covid-19>

## We note here that the Federal Government has contradicted itself and has now recommended the mandating of COVID-19 vaccinations in residential aged care facilities.

However, we note the Federal Government’s promise below:

## **“COVID-19 vaccines will be voluntary**

Australians have a great record in being immunised. The COVID-19 vaccine will be voluntary, universal and free. If a safe and effective vaccine becomes available for COVID-19, the Government aims to have as many Australians as possible choose to be vaccinated for COVID-19.  
If people choose not to have a COVID-19 vaccine, this will not affect their family's eligibility for Family Tax Benefit Part A or childcare fee assistance which only includes National Immunisation Program vaccines for those aged under 20 years.”

Workplaces are acting beyond their authorisation if they are setting workplace policies that go beyond the law and Federal Government mandates. While I recognise it may be recommended, I do have the right to refuse being vaccinated.

We also note that the case law in this area relates to influenza vaccination and I don’t agree that there is justification to compel the COVID-19 vaccination. Those cases determined that the rationale for compelling vaccines must turn on a case by case analysis. Those cases cannot be used as precedents to compel me to get vaccinated.

I note here that I have enclosed a COVID-19 declination letter that details all the safety and efficacy risks involved with taking the vaccination as well as a further research paper that details all the risks with COVID-19 vaccinations.

I also note here that you are not an “Authorised Entity” under the relevant Public Health Act to either direct me personally to obtain the COVID-19 vaccination, or demand that I get the COVID-19 vaccination in the absence of a medical assessment. Additionally, immediate family medical background checks may need to be done to identify any potentially dangerous pre-existing conditions which are known to cause adverse effects, or even death from vaccinations, such as GBS, or any other unknown allergies/risks, as well as showing the reason why I need to be vaccinated.

However, to assist you in allowing me to have access to my family member/employment/service, I am happy to provide you a medical certificate confirming my health status that I do not currently display any flu-like symptoms or COVID-19 symptoms. The only appropriate assessment for that purpose is to ensure that I am not currently sick. This is what will protect your residents and other employees. To that end, I am happy to provide that proof.

I note here that the COVID-19 vaccinations have not been shown to provide any long-term protection nor reduce the risk of transmission. Many key government advisory groups have advised against making it mandatory.

In summary I say; employers and businesses need to understand that they do not have authority to require their employees and customers to be inoculated with the COVID-19 vaccine as a pre-condition for employment, or for obtaining services. Why not? Because matters of quarantine, and management of public health risks are a function of governmental powers.

Whilst employers and businesses may report perceived or potential public health risks to government agencies as part of their occupational health and safety obligation, they are neither qualified medical practitioners nor authorised officers, under the law, to make assessments or demands for quarantine, testing, masking, and/or vaccinating, for the purpose of mitigating serious risks to public health, other than those assessments or demands set by government laws and directions.

Finally, the Australian Government has indemnified vaccine companies against liability arising from injury or death associated with the rollout of the vaccines. This [indemnity](https://budget.gov.au/2020-21/content/bp1/download/bp1_bs9_w.pdf) stretches to cover advisors to the government, but DOES NOT cover employers or businesses, states and/or territories. It is also very unlikely that any damage to an employee or customer as a result of coercive measures to vaccinate, will be covered by the employer's or business's insurer, leaving them open to personal liability.

I have the basic human right to refuse to be vaccinated and urge that you refrain from using coercive or punitive tactics when there is clearly no law supporting your policy.

I thereby request immediate access to my loved one in your aged care facility/return to employment/resumption of service and look forward to your prompt response by email.