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# **The Dictatorship of the Health Bureaucracy: Governments Must Stop Telling Us What Is for Our Own Good**

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### **ABSTRACT**

*Much has been written over the last few months about how unelected bureaucrats, with the unquestioning acquiescence of our politicians, have acquired incredible and unparalleled power over the everyday lives of Australians. This had led to such bureaucrats, revelling in their new-found power, seemingly making policy on the run and treating us like fools who need to be told on a daily basis what is good for us (or else!). It is a dangerous time for our democracy, where the 'dictatorship of the health bureaucracy' has emerged, whereby a virus, labelled as a pandemic, is being used to take away fundamental rights and freedoms, handed down to us by our great Westminster tradition, with the stroke of a pen. Recent events have demonstrated the potential for health officials to enact policies that will exert even more control over our lives, which could have serious implications for the principle of informed consent – fundamental in the administration of any medical treatment.*

### **I INTRODUCTION**

Over the course of 2020, the extent to which various governments have become nothing but elected dictatorships has become extremely evident. These dictatorships have been aided and abetted by a now all-powerful health bureaucracy, whose don't-trust-people-to-know-

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what's-best-for-themselves authoritarian instincts are have a deleterious effect on our fundamental rights and freedoms. Following his announcement of 19 August 2020 that a letter of intent had been signed with AstraZeneca to produce the Oxford vaccine in Australia, should it be successful, the Prime Minister suggested that any coronavirus vaccine be “as mandatory as possible”. He also entertained a “no job, no play” type policy to “encourage” as many people as possible to take it.<sup>1</sup> While Scott Morrison backtracked somewhat on this “mandatory” stance later the same day,<sup>2</sup> the following morning the Federal Health Minister, Greg Hunt, in an interview give to Channel 7’s *Sunrise*, did not rule out taking measures to make it difficult to refuse the vaccine, including a denial of government welfare payments to those who did not vaccinate.<sup>3</sup> This was followed by the Deputy Health Officer, Dr Nick Coatsworth, postulating that without the coronavirus vaccine jab Australians would not be allowed to go to restaurants, use public transport or travel overseas.<sup>4</sup> This has serious implications for the principle of *informed consent* – fundamental in the administration of any medical treatment. Leaving to one side for a moment the ugly spectacle of the government and its *Politburo* of medical officers proposing to further and more brazenly and egregiously restricting the rights and freedoms of Australians, such a draconian approach is simply not warranted on the basis of the evidence.

### II INFECTION RATE AND LOCKDOWNS – FAILED POLICY OF THE HEALTH BUREAUCRACY

In an interview on 3AW on 19 August 2020 (when Scott Morrison first suggested he wanted any vaccine to be mandatory) he added that

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<sup>1</sup> Richard Ferguson, ‘Future Vaccine Should Be Mandatory, Says PM’, *The Australian*, 19 August 2020 <<https://www.australian.com.au/nation/coronavirus-australia-live-news-fears-grow-of-sydney-hotel-breach-outbreack/news-story/cf35fb9ae-2901600276fa78ee89a2dc5>>.

<sup>2</sup> ‘Prime Minister rejects compulsory COVID-19 vaccine’, 19 August 2020 <<https://www.2gb.com/prime-minister-rejects-compulsory-covid-19-vaccine/>>.

<sup>3</sup> Channel 7 News, *Sunrise*, <<https://7news.com.au/sunrise/greg-hunt-refuses-to-rule-out-consequences-for-anti-vaxxers-refusing-covid-vaccine-c-1252235>>.

<sup>4</sup> *Ibid.*

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the aim was for a 95% take up of the vaccine, since this is the level of immunity that is required.<sup>5</sup> The Health Minister said the same thing on Channel 7's *Sunrise* the following day.<sup>6</sup> What they may have chosen to ignore is that, for most viruses, herd immunity is achieved if 60 to 70 percent of the population is immune. In fact, in an article in *Newsweek* on 24 June 2020, it was reported, quoting from an article in the journal *Science*, that the herd immunity threshold for coronavirus could be as low as 43%.<sup>7</sup> There have been studies published since then that suggest the immunity threshold could be even lower.<sup>8</sup> In fact, far from having no immunity, the evidence shows the vast majority of the population has pre-existing, crossover T-cell immunity, developed through exposure to coronaviruses such as the common cold. This explains why most people have a mild or asymptomatic response.<sup>9</sup>

What also seems to have been conveniently ignored is the rate of infection when compared to the general population. The Prime Minister, in justifying a mandatory approach, on 19 August 2020, referred to the number of coronavirus-related deaths and infections around the world.<sup>10</sup> As has been pointed out many times elsewhere, when compared to other pandemics, these numbers are actually quite small. At the time of writing, the World Health Organisation has certified a total number of 32,048,333 infections and 979,454 deaths. The current

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<sup>5</sup> 'Scott Morrison expects COVID-19 vaccine will be 'as mandatory as you can possibly make it', 19 August 2020 <<https://www.3aw.com.au/scott-morrison-expects-covid-19-vaccine-will-be-as-mandatory-as-you-can-possibly-make-it/>>.

<sup>6</sup> Above n 3.

<sup>7</sup> Kashmira Gander, 'Herd Immunity Threshold for COVID-19 Could Be Just 43 Percent', *Newsweek*, 24 June 2020 <<https://www.newsweek.com/herd-immunity-threshold-covid-19-could-just-43-percent-1512978>>.

<sup>8</sup> See, for example, this report on the Brazilian city of Manaus: Terrence McCoy and Heloisa Traiano, 'In the Brazilian Amazon, A Sharp Drop in Coronavirus Sparks Questions Over Collective Immunity', *The Washington Post*, 24 August 2020 <[https://www.washingtonpost.com/world/the\\_americas/brazil-coronavirus-manaus-herd-immunity/2020/08/23/0eccda40-d80e-11ea-930e-d88518c57dcc\\_story.html](https://www.washingtonpost.com/world/the_americas/brazil-coronavirus-manaus-herd-immunity/2020/08/23/0eccda40-d80e-11ea-930e-d88518c57dcc_story.html)>.

<sup>9</sup> Rebecca Weisser, 'Once Upon a Time There Was a Wicked Virus...', *The Spectator Australia*, 19 September 2020 <<https://www.spectator.com.au/2020/09/once-upon-a-time-there-was-a-wicked-virus/>>.

<sup>10</sup> Above n 1.

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population of the world is 7.8 billion. Thus we have an infection rate of 0.3% and a death rate of 0.01%, with the vast majority of these being people aged over 80. This is far smaller when compared to other pandemics, such as the 14th Century Bubonic Plague (where the death rate was 1 in 3) and the 1918-1919 Spanish Flu (where the estimates of death range between 40 to 50 million, many of whom were women of child bearing age). As Professor James Allan noted recently in *The Spectator Australia*, the Hong Kong flu epidemic of 1969 killed around 100,000 Americans.<sup>11</sup> At the time of writing, corona-related deaths in America stood at 187,000 (according to the Centre for Disease Control), therefore about the same percentage of the population in historical terms. Yet in 1969, ‘there were no lockdowns, and Woodstock was not cancelled’. Professor Allan also noted that coronavirus is not even in the top 50 causes of death in Australia.<sup>12</sup> As Paul Murray detailed on 19 August 2020, the Australian Bureau of Statistics released a report in early August of the total number of deaths in Australia for the first half of 2020. The number was 55,047, and top of the list was cancer (18,959), followed by respiratory illnesses (7,540), dementia (5,794), heart disease (5,175), and cerebrovascular disease (3,497). Flu and pneumonia have taken the lives of 974 Australians up until that time, considerably more than the total number of coronavirus-related deaths,<sup>13</sup> which for the same period was 611.

The adoption of lockdown policies with alacrity by governments and their all-powerful health bureaucrats has occurred notwithstanding several renowned epidemiologists, including Professor Sunetra Gupta of Oxford University,<sup>14</sup> stating that the policies of these bu-

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<sup>11</sup> James Allan ‘One of the most colossal failures of the century’ *The Spectator Australia*, 8 August 2020 <<https://www.spectator.com.au/2020/07/one-of-the-most-colossal-failures-of-the-century/>>.

<sup>12</sup> Ibid.

<sup>13</sup> Paul Murray, ‘Thousands die unrelated to COVID and ‘none have resulted in lockdowns’, Sky News Australia, 19 August 2020 <[https://www.skynews.com.au/details/\\_6182532977001](https://www.skynews.com.au/details/_6182532977001)>.

<sup>14</sup> Jacquelin Magnay, ‘Oxford epidemiologist pushes herd immunity’, *The Australian*, 3 July 2020 <<https://www.theaustralian.com.au/nation/oxford-epidemiologist-pushes-herd-immunity/news-story/cf019113ea52916f64a16dcad96095a8>>.

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reaucrats such as lockdowns are actually causing more harm than the virus itself. Professor Mark Woolhouse, epidemiologist at Edinburgh University and adviser to the UK government told *The Sunday Express* on 24 August 2020 that attempting to control coronavirus through lockdown measures causes unnecessary panic, noting that ‘history will say trying to control COVID-19 through lockdown was a monumental mistake on a global scale, the cure was worse than the disease’.<sup>15</sup>

A similar opinion was expressed by Dr David Katz, founding director of Yale University’s Yale-Griffin Prevention Research Center and former president of the American College of Lifestyle Medicine. As early as 20 March 2020 Dr Katz, in an opinion piece for *The New York Times*, warned that extreme measures to fight coronavirus ‘may end up being worse than the disease’. He stated that the “unique” nature of corona is that it results in only “mild” symptoms in 99 per cent of cases and that it appears to only pose a high risk to the elderly.<sup>16</sup> According to Dr Katz, it is deeply concerning that ‘the social, economic and public health consequences of a near total meltdown of normal life – schools and business closed, gatherings banned – will be long-lasting and calamitous, possibly even graver than the direct toll of the virus itself.’ Economies will bounce back in time, he says, ‘but many businesses never will. The unemployment, impoverishment and despair likely to result will be public health scourges of the first order.’<sup>17</sup>

Dr Katz and Professor Woolhouse are not alone. Professor Michael Levitt from Stanford University, a Nobel Laureate, has been tracking coronavirus since January 2020, and, as a result of his research,

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<sup>15</sup> Lucy Johnston, ‘UK Lockdown Was A “Monumental Mistake” And Must Not Happen Again – Boris Scientist Says’, *The Sunday Express*, 24 August 2020 <<https://www.express.co.uk/life-style/health/1320428/Coronavirus-news-lockdown-mistake-second-wave-Boris-Johnson>>.

<sup>16</sup> David L Katz, ‘Is Our Fight Against Coronavirus Worse Than the Disease?’, *The New York Times*, 20 March 2020 <<https://www.nytimes.com/2020/03/20/opinion/coronavirus-pandemic-social-distancing.html>>.

<sup>17</sup> Ibid.

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has consistently argued against lockdowns.<sup>18</sup> Further, on 1 September 2020, senior doctors across Melbourne urged politicians not to support a state of emergency extension, saying the move threatens to “destroy” the health and wellbeing of fed-up Victorians. Box Hill Hospital urologist Dr Geoff Wells told NCA Newswire that in a letter to Premier Daniel Andrews, he and 12 other medical practitioners outlined their concerns about the Victorian Government’s response to the COVID-19 pandemic. He hoped the letter would convince the government to lift harsh stage four restrictions on 13 September 2020. In the letter the doctors wrote: ‘It is our professional opinion that the stage 4 lockdown policy has caused unprecedented negative economic and social outcomes in people, which in themselves are having negative health outcomes.’<sup>19</sup>

‘When I see my patients and ask them how they’re coping, the number one response is the sadness at not being able to see their grandchildren for three, four or five months and the ones who live on their own are extremely isolated,’ he said.

The mood of the population has changed dramatically in the past two weeks – there seems to be one half that is getting angrier and angrier and the other half which has just lost all hope – these policies are effecting the general psyche of the community. We just want to have significant input into this response instead of a blanket approach that is harming the general population.<sup>20</sup>

In the letter, the doctors said specialist referrals from GPs had fall-

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<sup>18</sup> See, for example: ‘Michael Levitt on why there shouldn’t be a lockdown, how he’s been tracking coronavirus’, *The Stanford Daily*, 2 August 2020 <<https://www.stanforddaily.com/2020/08/02/qa-michael-levitt-on-why-there-shouldnt-be-a-lockdown-how-hes-been-tracking-coronavirus/>>.

<sup>19</sup> Anthony Piovesan, ‘Victorian doctors pen desperate letter to Dan Andrews about controversial State of Emergency Bill’, 1 September 2020 <<https://www.news.com.au/lifestyle/health/health-problems/victorian-doctors-pen-desperate-letter-to-dan-andrews-about-controversial-state-of-emergency-bill/news-story/477352005ec852b6dd4b0e8f31f97441>>.

<sup>20</sup> *Ibid.*

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en dramatically as a result of patients fearing they would get sick if they went out. ‘As a direct consequence of this delay, many will have poorer prognoses. This has especially been the case with three consultants who treat cancer,’ they wrote in the letter. ‘We now know that whilst COVID-19 is highly contagious, it is of limited virulence. We are told that since March 2020, 565 Victorian patients have died either with or from the virus (numbers as at 31 August). This compares with annual Victorian deaths of approximately 10,000 patients with cardiovascular disease and 11,000 with cancer.’<sup>21</sup>

The doctors go on:

Accordingly, the COVID-19 deaths are a relatively small proportion of the 114 deaths per day that are normally seen in Victoria. In comparison, since the start of March COVID-19 has been associated with 3 of the 114 deaths per day. Most of the 565 deaths have occurred in nursing homes which according to doctors currently working in this environment have described causal factors related not only to the virus but to other care related issues, including isolation, loneliness, and related diminished nutritional intake.

The letter also states, tellingly:

Since June 2020, the death rate has risen sharply in aged care facilities where the risk of transmission of COVID-19 has been unacceptably high. However, the government, and the doctors advising it, have not reviewed their policy in order to focus on this vulnerable segment of the population. Instead, stage 3-4 lockdowns for the whole community have continued for no apparent scientific reason.<sup>22</sup>

Of course, the Victorian Government ignored this advice from those on the “front line”, preferring instead to hide behind its cadre of unelected bureaucrats and extend the “state of emergency” until March 2021.

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<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

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### III CORONA DEATH RATE AND OTHER POTENTIAL TREATMENTS TO VACCINES

However, the coronavirus death rate is now coming under increasing scrutiny. As Adam Creighton reported in *The Australian* on 1 September 2020, the US Centre for Disease Control and Prevention said only a fraction of US deaths from or with COVID-19 were attributed solely to coronavirus. ‘For 6 per cent of the US deaths, COVID-19 was the only cause mentioned. For deaths with conditions or causes in addition to COVID-19, on average, there were 2.6 additional conditions or causes per death,’ it said. In other words, the corona death rate should actually be revised down.<sup>23</sup>

As far back as 8 August 2020, *Newsweek* reported that a Mississippi county coroner, Joshua Pounder, said his state’s death count could be incorrect, telling residents that possible misreporting has led to ‘unnecessary fear in the public’. *Newsweek* reported that in an ‘average month in DeSoto County’, despite the ongoing coronavirus pandemic, the coroner’s office recently completed reports for 144 deaths in July 2020. Pounder attributed the highest number of deaths to heart conditions, lung or vascular diseases and strokes, with 67 reported deaths. Pounder wrote that cancer was the second-highest, causing 30 reported deaths in the county.<sup>24</sup>

Of the 11 causes of death Pounder listed, coronavirus was not among them. Instead, the 24 DeSoto County residents who had a positive COVID-19 test at the time of their death were included in the count of total deaths and attributed to causes other than the novel coronavirus, Pounder said.

‘All of the individuals who have died that were [positive] for CO-

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<sup>23</sup> Adam Creighton, ‘The COVID-19 Panic Is Unnecessary — It Is Much Less Threatening Than We Think’, *The Australian*, 1 September 2020 <<https://www.theaustralian.com.au/nation/politics/the-covid19-panic-is-unnecessary-it-is-much-less-threatening-than-we-think/news-story/b9246d82046820000686a18ec03e2580>>.

<sup>24</sup> Jocelyn Grzeszczak, ‘Mississippi Coroner Says State’s Coronavirus Death Tally Is Misleading, Causing “Unnecessary Fear In The Public”’, *Newsweek*, 8 August 2020 <<https://www.newsweek.com/mississippi-coroner-says-states-coronavirus-death-tally-misleading-causing-unnecessary-fear-1523791>>.



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VID at some point have all had major medical problems prior to contracting COVID’, Pounder wrote, adding that the majority of them were older than 75 and many of the people who died already had a terminal diagnosis of some kind.<sup>25</sup>

However, the Mississippi State Department of Health, “demands” that anyone who has a positive coronavirus test at the time of their death is reported as a “COVID death” without acknowledging the fact that ‘many of them were terminal prior to a [positive] test],’ Pounder said, adding that this misrepresentation that has caused ‘unnecessary fear in the public’ and significant stress. The coroner stated that cardiovascular and pulmonary deaths were ‘drastically up’ in DeSoto, which Pounder attributed to stress caused by the pandemic and fear caused by listening to politicians and news reporters give ‘false information’.<sup>26</sup>

On 31 August 2020 the inaccuracy identified above in counting coronavirus-related deaths was confirmed as having been the practice followed in Australia. In his daily coronavirus briefing, the Victorian Chief Medical Officer, Dr Brett Sutton, said this about the number of deaths: ‘Anyone who is a confirmed case who dies is classified as a coronavirus death. It doesn’t have to be definitively from coronavirus, and in some instances, you know, in aged care, there would have been some residents who would have already been receiving palliative care who became infected with coronavirus’.<sup>27</sup>

Even in the face of these figures, what is more serious is the utter stubbornness born out of an apparent “Trump Derangement Syndrome” which ignores the effectiveness of the potential treatments of hydroxychloroquine and ivermectin, both with zinc. In the case of the former, over the weekend of 22 to 23 August 2020 the renowned Yale epidemiologist, Dr Harvey Risch, specified that: ‘there have been 53 studies showing positive results of its use in COVID infections. There are 14 that show neutral or negative results. Of those, 10 were

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<sup>25</sup> Ibid.

<sup>26</sup> Ibid.

<sup>27</sup> Andrew Bolt, ‘The Victorian Government is Lethally Incompetent’, *The Bolt Report*, Sky News Australia, 31 August 2020 <[https://www.skynews.com.au/details/\\_6186189844001](https://www.skynews.com.au/details/_6186189844001)>.

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conducted in the later stages of the illness where no anti-viral drug would be expected to have much effect.’ Of the remaining studies, Risch asserts, ‘two come from the same author. Then there is a faulty study from Brazil, and should be retracted. The other is also faulty, published in *The Lancet*, and was retracted.’ Risch told *Newsweek* he:

[C]annot believe that, in the midst of a crisis, he is fighting for a treatment that the data fully supports but for reasons having nothing to do with a correct understanding of science, it has been pushed to the sidelines. As a result, tens of thousands of patients with COVID-19 are dying unnecessarily. Fortunately the situation can be reversed easily and quickly.<sup>28</sup>

This seems to be completely in accord with the medical profession’s *Hippocratic Oath*, that is, to do no harm. Yet the use of hydroxychloroquine as a potential treatment is shut down by the health commissars. Doctors Sutton and Coatsworth on 26 and 28 August 2020 respectively dismissed it once more with a level of haughtiness that takes one’s breath away.<sup>29</sup> With regard to ivermectin, as Rebecca Weisser reported in *The Spectator Australia*, Dr Kylie Wagstaff from Monash University is struggling to get any funding to conduct proper clinical trials. When the potential of these drugs was first announced, the COVID- related death toll was under 50.<sup>30</sup> At the time of writing it stands at 861. How many of those deaths could have been prevented? As Andrew Bolt identified, this is wilful blindness to ‘what could be our best cure’ in the fight against coronavirus.<sup>31</sup> Another potential

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<sup>28</sup> Dr Harvey A Risch, ‘The Key to Defeating COVID-19 Already Exists. We Need to Start Using It’, *Newsweek*, 23 August 2020 <<https://www.newsweek.com/key-defeating-covid-19-already-exists-we-need-start-using-it-opinion-1519535>>.

<sup>29</sup> Andrew Bolt, ‘Potential Coronavirus Treatments Are Being “Patronisingly Dismissed”’, *The Bolt Report*, Sky News Australia, 26 August 2020 <[https://www.skynews.com.au/details/\\_6184621840001](https://www.skynews.com.au/details/_6184621840001)>.

<sup>30</sup> Rebecca Weisser, ‘No Warp Speed For Aussie Covid Wonder Drug’, *The Spectator Australia*, 8 August 2020 <<https://www.spectator.com.au/2020/08/no-warp-speed-for-aussie-covid-wonder-drug/>>.

<sup>31</sup> Andrew Bolt, ‘I must call Prime Minister Scott Morrison to Account’, *The Bolt Report*, Sky News Australia, 10 August 2020 <[https://www.skynews.com.au/details/\\_6179768424001](https://www.skynews.com.au/details/_6179768424001)>.

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treatment that is receiving little attention is that of research into production of antibodies.<sup>32</sup> So much for the Hippocratic Oath!

### IV LACK OF TRUST

This brings me to the issue of trust, necessary not only between a doctor and patient but also between the people and their government. Given the track record of our politicians and medical officers over the last few months, which to say the least is dismal, it would seem that trust in them is dwindling. Yet they only have themselves to blame. Adam Creighton reported in *The Australian* on 22 June 2020 about the over-reliance of our health commissars on failed doomsday health forecast models.<sup>33</sup> Now it has emerged in the Aged Care Royal Commission that the Federal Government failed miserably at developing policies to protect residents of nursing homes, they being the most vulnerable and where the highest incidence of death has occurred.<sup>34</sup>

We've had the Chief Medical Officer in Victoria proselytise on coronavirus and climate change,<sup>35</sup> precisely at the time it seems he

<sup>32</sup> Australian researchers, among many around the world, are working on a coronavirus antibody program that could treat and prevent COVID-19, especially among the elderly and vulnerable. Associate Professor Wai-Hong Tham, from Walter and Eliza Hall Institute, said 'the antibody research targets the spike protein, which is what the killer virus uses to enter human cells. If successful, it will boost someone's immune response to fight off the virus.' See: Mark Saunokonoko, Channel 9 News, 'Australian researchers test breakthrough antibody therapy to defeat virus' 26 August 2020 <<https://www.9news.com.au/national/coronavirus-victoria-antibody-therapy-how-it-could-stop-and-defeat-covid-19/a06207d0-85d9-44ce-b498-6f14857b5415?app=applenews>>.

<sup>33</sup> Adam Creighton, 'Coronavirus Australia: Call For 'Failed' Doomsday Health Forecast Models To Be Abandoned', *The Australian*, 22 June 2020 <<https://www.theaustralian.com.au/nation/coronavirus-call-for-failed-doomsday-health-forecast-models-to-be-abandoned/news-story/c7622e0584b4f07355e05082e428af8b>>.

<sup>34</sup> Royal Commission into Aged Care and Safety, *Aged care and COVID-19: A special report*, 30 September 2020, Commonwealth of Australia, p. 11 <<https://agedcare.royalcommission.gov.au/sites/default/files/2020-10/aged-care-and-covid-19-a-special-report.pdf>>.

<sup>35</sup> Brett Sutton, Vanora Mulvenna, Daniel Voronoff and Tiernan Humphrys, 'Acting on Climate Change and Health in Victoria' (2020) 212 (8) *Medical Journal of Australia* 345; Rachael Dexter and Marissa Calligeros, 'Hotel Quarantine Problems?

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ought to have been aware of the impending disaster in the hotel quarantine system in that State, believed to be principally responsible for the outbreak of community transmission there. His Deputy, in trying to display her woke credentials, also showed her lack of historical knowledge by getting Captain Cook and Captain Arthur Phillip mixed up.<sup>36</sup> After the Ruby Princess and Newmarch House debacles, how the New South Wales Health Minister, Brad Hazzard, still has a job is anyone's guess. Our State borders are shut, despite there being little to no community transmission in most States and both Territories, causing massive job losses and mental health issues to skyrocket. However, most tragically, this senseless politicking by State Premiers has also led to the death of an unborn child.<sup>37</sup> We cannot even leave the country except in "exceptional" circumstances, decided by an unelected bureaucrat with no right of judicial review. So Shane Warne gets an exemption to go to commentate on the cricket in England but other Australians are not permitted to leave to visit dying relatives.<sup>38</sup> Oh, and remember when the government tried to extort the Australian public, telling us the COVID-Safe app (later shown to be a complete flop) was the ticket to getting our freedoms back? Remember who was the face of that campaign? None other than Dr Nick Coatsworth!

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"I found out in the media", says Sutton', *The Age*, 7 August 2020 <<https://www.theage.com.au/national/victoria/hotel-quarantine-problems-i-found-out-in-the-media-says-sutton-20200807-p55jls.html>>.

<sup>36</sup> 'Health Officer "Unfit For Office" After Comparing Cook's Arrival To Coronavirus', *Sky News Australia*, 1 May 2020 <[https://www.skynews.com.au/details/\\_6153302690001](https://www.skynews.com.au/details/_6153302690001)>.

<sup>37</sup> Charlie Coë, 'Unborn Baby Dies After Heavily Pregnant Mum Was Forced To Wait 16 Hours For Emergency Surgery In Sydney After Being Turned Away At The Queensland Border', *The Daily Mail Australia*, 28 August 2020 <<https://www.dailymail.co.uk/news/article-8672159/Baby-dies-mum-forced-wait-surgery-turned-away-Queensland-border.html>>.

<sup>38</sup> James Bolt, 'Australia Has Returned To Being A Convict Nation', *Institute of Public Affairs*, 25 August 2020 <<https://ipa.org.au/publications-ipa/australia-has-returned-to-being-a-convict-nation>>.

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### V ETHICAL CONCERNS REGARDING CORONAVIRUS VACCINE

It seems this guy cannot help himself. On 24 August 2020, after the Catholic Archbishop of Sydney, Anthony Fisher raised serious ethical and moral considerations for his flock regarding the production of the Oxford coronavirus vaccine,<sup>39</sup> Dr Coastworth decided he was also an expert on Catholic moral theology. In a post on his Facebook page, Archbishop Fisher stated that he had written to the Prime Minister outlining his concerns that the Oxford vaccine, among others, is being produced from the cultured cell lines of an electively aborted foetus. This would present Catholics with a serious ethical dilemma, notwithstanding the cell-line is derived from an abortion that occurred in 1972. Dr Coatsworth responded by stating that the vaccine was being produced by one of the world's leading universities and 'we can have every faith that the way they have manufactured the vaccine has been against the highest of ethical standards internationally.'<sup>40</sup> Further, Professor Colin Pouton from Monash University's Institute of Pharmaceutical Sciences chimed in, stating the cell line was developed decades ago and had been widely used around the world. 'It's not like people are using a new cell line,' he said. 'It's already there, so in many respects the ethical issue is in history'.<sup>41</sup>

I'm not sure what makes these two people think they know more about Catholic moral teaching than the Archbishop of Sydney. The Catholic Church has opposed the development of vaccines using unethically derived foetal cell lines for many years. The Congregation for the Doctrine of the Faith's 2008 Instruction *Dignitas Personae* provides that the use of foetal cell lines for developing vaccines 'gives rise to various ethical problems with regard to cooperation in evil and with regard to scandal' and that 'everyone has the duty to make known

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<sup>39</sup> Alison Xiao, 'Oxford University Coronavirus Vaccine Has "Ethical Concerns", Sydney Archbishops Warn Followers', *ABC News*, 24 August 2020 <<https://www.abc.net.au/news/2020-08-24/sydney-catholic-archbishop-warns-pm-against-coronavirus-vaccine/12588578>>.

<sup>40</sup> Ibid.

<sup>41</sup> Ibid.

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their disagreement and to ask that their healthcare system make other types of vaccines available.’<sup>42</sup> This is precisely what Archbishop Fisher has done, expressing a wish that other vaccine candidates which are not produced with the cell lines of aborted foetuses be explored. In this letter, which was also signed by Anglican Archbishop Glenn Davies and Greek Orthodox Archdiocese of Australia Archbishop Makarios, the Church leaders stated that they and their Churches are not opposed to vaccination. However, harvesting ‘foetal tissue was deeply immoral’ and thus, members of their congregations might consider their ‘individual conscience’ and refuse a vaccine even if no other alternative was available to them.

Notwithstanding a clerical leader raising legitimate ethical concerns regarding the possibility that many in his flock may naively consent to medical treatment being administered under effective duress (facing the threat of the loss of welfare payments, etc), this has received short-shrift from politicians. Shadow Federal Treasurer Jim Chalmers has no qualms about this issue and told the ABC on 24 August: ‘My personal view is if and when a vaccine is available and it is rolled out, then as many people as possible should get vaccinated’. ‘I say that as a Catholic that that’s the best outcome for Australia because the vaccine is really what will get us to the other side’.<sup>43</sup> This smacks of the same extortionate approach adopted with respect to the COVID-Safe app. What is more, when it comes to Catholic teaching, Labor politicians are the last people who should be giving advice on the subject. Just ask Victorians – Daniel Andrews calls himself a Catholic!

Given governments’ thirsty desire to erode fundamental rights and freedoms in the face of continuing failure, it is high time they now stopped telling people what is good for them and maybe asked them for a change. At the time of writing, a poll published on Channel 7’s

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<sup>42</sup> Congregation for the Doctrine of the Faith, *Dignitas Personae*, September 2008, [35] <[http://www.vatican.va/roman\\_curia/congregations/cfaith/documents/rc\\_con\\_cfaith\\_doc\\_20081212\\_sintesi-dignitas-personae\\_en.html](http://www.vatican.va/roman_curia/congregations/cfaith/documents/rc_con_cfaith_doc_20081212_sintesi-dignitas-personae_en.html)>.

<sup>43</sup> Above n 39.

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website showed that 80% of respondents did not believe any coronavirus vaccine should be mandatory.<sup>44</sup> Further, efforts to link people's freedoms and welfare payments would strike me as constitutionally problematic. I am in fact surprised the 'no jab, no play' laws have not yet been challenged in this way. Section 51 (xxiiiA) of the *Australian Constitution* allows for the provision of various allowances and benefits by the Commonwealth Government, but not to the extent of authorising any civil conscription. It could thus be argued that no government is authorised to make the Australian people take any medication against their will, or force children to be vaccinated in order to maintain benefit payments.

However, over the days from 22 to 24 August 2020, some form of common sense appeared to be prevailing, with several doctors urging governments to abandon measures to compel Australians to accept a coronavirus vaccine. The President of the Australian Medical Association, Omar Khorshid, said making vaccinations compulsory 'sends the wrong message to the community' and is confident that the move won't be necessary anyway.<sup>45</sup> Dr Khorshid told the *Sydney Morning Herald* that tying vaccination to access to services such as childcare, school or social security payments, as State and Federal governments do with paediatric vaccines under 'no jab, no play' and 'no jab, no pay' laws, could not be justified with a brand new corona vaccine.

'We have to acknowledge it is a rushed approval process and even if the phase three trials on this Oxford vaccine go really well, it's still not absolutely proven that it is safe, not as proven as is normally the case'. He added: 'That does increase the risk that there might be rare side effects ...that we just don't know about.' Dr Korshid also called for the Federal Government to establish a no-fault vaccine injury compensation scheme before rolling out a COVID-19 vaccine. 'If society

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<sup>44</sup> *Channel 7 News*, 'Australian Medical Association Says Coronavirus Vaccine Should Not Be Mandatory', 24 August 2020 <<https://7news.com.au/sunrise/on-the-show/australian-medical-association-says-coronavirus-vaccine-should-not-be-mandatory-c-1260248>>.

<sup>45</sup> *Ibid.*

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is asking everyone to get vaccinated to protect each other, we have a collective responsibility to look after the very rare and unfortunate individuals who are harmed by vaccines.’<sup>46</sup>

This gets back to the issue I raised at the start of this chapter, that of *informed consent*. Just because we are assured something is safe, or legal, it does not necessarily mean it is. Many people are still haunted by, and show the horrible effects of, thalidomide, a drug marketed as a sedative and given to pregnant women in the 1950s and 1960s as a treatment for morning sickness. The drug subsequently caused babies to be born with a range of deformities. An Australian obstetrician, William McBride, alerted the world to its terrible side effects and the drug was withdrawn. As recounted by his daughter Catherine in *The Australian* on 2 July 2018,<sup>47</sup> his initial attempt to do so was rejected by guess who? – *The Lancet* (even though the journal subsequently published a letter written by him on the issue, which sparked the investigations into the drug) – and he paid the price for this act of courage for years afterward.

## VI CONCLUSION

Australians have been lectured constantly, in increasingly condescending tones, by politicians and their health apparatchiks over the last six months. It seems most of this lecturing has involved bad advice and led to unnecessary authoritarian-style policies with a complete failure to protect the most vulnerable. Now it is my turn to tell them something. Memo to the Prime Minister, the State Premiers and Territory Chief Ministers, the Federal, State and Territory Health Ministers, the

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<sup>46</sup> Dana McCauley, “‘No Jab, No Play’ The Wrong Approach To COVID-19 Vaccine, Doctors Warn”, *The Sydney Morning Herald*, 23 August 2020 <<https://www.smh.com.au/politics/federal/no-jab-no-play-the-wrong-approach-to-covid-19-vaccine-doctors-warn-20200821-p55o70.html>>.

<sup>47</sup> Charlie Peel, ‘A Medical Whistleblower: William McBride Won World Recognition for Exposing the Dangers of Thalidomide but Incurred the Wrath of Pharmaceutical Firms’, *The Australian*, 2 July 2018 <<https://www.theaustralian.com.au/nation/inquirer/william-mcbride-paid-the-price-of-taking-on-pharmaceutical-giants/news-story/0a871168a10c163caeed93db96e9116e>>.



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Federal, State and Territory Attorneys-General, the Federal Minister for Home Affairs, and all Medical Officers around the country: **Do not** tell me anymore what is for my own good. I will work that out for myself. I always have. And, as far as taking any coronavirus vaccine is concerned, that will be MY DECISION, AND MINE ALONE, after I have taken the time to inform myself on ALL aspects regarding it, freely and fully. Get it? If not, refer once more to the above...