



**Minister for Emergency Services; Innovation and ICT; Medical Research; Volunteering;  
Deputy Leader of the Government in the Legislative Council**

Our Ref: 62-30941

Mr Chris Linnell  
Chief Executive Officer  
Shire of York

[records@york.wa.gov.au](mailto:records@york.wa.gov.au)

Dear Mr ~~Linnell~~ <sup>Chris</sup>

Thank you for your letter dated 1 June 2022 regarding COVID-19 vaccine mandates for emergency services personnel and community members within the Shire of York.

The COVID-19 pandemic is an extraordinary emergency event which is why the McGowan Government's response included measures such as the vaccine mandate to keep Western Australia safe, healthy and to protect individuals, family members and the community.

Vaccination for fire and emergency services personnel was essential given the close interactions they have with vulnerable groups and the broader community for the purposes of limiting the spread and illness severity of COVID-19. This has proved to be very effective in reducing the number of serious illnesses and hospitalisations.

To ensure continual delivery of essential emergency response services to the community, I understand the Department of Fire and Emergency Services established highly effective business continuity strategies and worked with key stakeholder groups to proactively manage potential COVID-19 impacts.

Following the latest public health advice, mandatory vaccination requirements for fire and emergency services workers including volunteers are no longer in place from 10 June 2022. This means that emergency services volunteers within the Shire of York can return to duty at their brigades and participate in emergency callouts and training commitments as required.

I hope this information is of assistance to you.

Yours sincerely

Hon Stephen Dawson MLC  
**MINISTER FOR EMERGENCY SERVICES**

**22 JUN 2022**

Your Ref:  
Our Ref: OUT22/7FA8F1C9  
Contact: Chris Linnell/Vanessa Green



1 June 2022

Hon. Stephen Dawson MLA  
Minister for Emergency Services; Medical Research  
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Dear Minister

### **CONSIDERATION OF VACCINE MANDATES**

I write on behalf of the Shire of York in relation to the State Government's vaccine mandates and the effect it is having on their lives.

Following receipt of a request for a Special Electors Meeting (SEM) signed by 165 electors, the Shire of York conducted a SEM on 12 April 2022 in accordance with Section 5.28 of the *Local Government Act 1995* (the Act). In accordance with Section 5.33 of the Act, Council considered the decisions made at the SEM at its Ordinary Meeting held on Tuesday 24 May 2022 where Council resolved (030522):

***"That, with regard to the Consideration of Questions Asked and Decisions from the Special Electors Meeting held on Tuesday 12 April 2022, Council:***

- 1. Receives the minutes of the Special Electors Meeting held on Tuesday 12 April 2022 as presented in Appendix 1.***
- 2. Acknowledges the nine (9) motions carried at the Special Electors Meeting held on Tuesday 12 April 2022, as presented in Appendix 1.***
- 3. Requests the Chief Executive Officer to:***
  - a. Write to the Premier and other relevant State Government Ministers advising that circa seventy-nine (79) electors within the Shire of York attended a Special Electors Meeting on Tuesday 12 April 2022.***
  - b. Provide a copy of the Minutes of the Special Electors Meeting, including the presentations, and request the concerns raised by those electors be considered should the vaccine mandates and other directions be reviewed at any point in the future.***
  - c. Include a summary of the nine (9) motions from the Special Electors Meeting in the body of the letter to the Premier and relevant State Government Ministers.***
  - d. Highlight the impact the vaccine mandates have on the Shire of York's volunteer emergency services.***
  - e. Provide copies of the two (2) deputations presented at Council's 24 May 2022 Ordinary Meeting relating to Item SY048-05/22 - Consideration of Questions Asked and Decisions from the Special Electors Meeting to the Premier and other relevant State Government Ministers.***
  - f. Once received, make the response(s) from the Premier and relevant State Government Ministers available to the public.***



- g. Over time, actively collaborate with local businesses and community groups to educate those willing on their rights and responsibilities with regard to vaccine mandates and COVID-19.***
- 4. Confirms that no further decision by the local government will be made on the Decisions of the Special Electors Meeting as Council has no authority to override or create laws or take any action that would conflict with State or Federal Government legislation or health orders.***

The Shire of York understands that as of today further mandates have been revised by the State Government. However, the Council resolution requests the Shire of York to undertake an advocacy role to support those within the community adversely affected by the mandates, with those residents believing they are:

1. Prevented from performing work or receiving income on the basis of vaccination status
2. Coerced or manipulated into the need for vaccination
3. Deprived of any Statutory and Regulatory benefits on the basis of vaccination status
4. Restricted access to premises on the basis of vaccination status
5. Discriminated against on the basis of vaccination status
6. Restricted in any form of community participation on the basis of vaccination status

Further, the decisions seek to:

1. Highlight the adverse effect on the agricultural sector and emergency services resulting from workers and volunteers being unable to contribute due to their vaccination status
2. Request the State Government to remove the mandates and any associated directions enabling all members of the community to be treated equally and providing support for individuals and businesses
3. Encourage the cooperation of other key stakeholders to request the lifting of the vaccine mandates

In accordance with points 3b and 3e of Council's resolution, I draw your attention to the enclosed copies of:

1. The Minutes of the SEM including the presentations (where available)
2. The two (2) deputations presented to Council's May 2022 Ordinary Meeting

With regard to point 3d, thankfully no significant emergency incidents occurred which would have resulted in our Bushfire Brigade volunteers having to be turned away from service on an active fire ground. However, the large level of disapproval for the mandates resulted in many people being reluctant to volunteer. Should an incident have occurred requiring bushfire brigade volunteers to be turned away from entering a fire ground, it is needless to say the impact to the larger community could have been significant.

We have witnessed an unravelling of our community fabric over the last two years of this pandemic. Ours, and communities across the State, now face the significant responsibility of rebuilding the community that has been pulled apart by the impacts of the COVID directives. Mental health will be a significant space that will require resourcing and understanding to knit our community back into a functional and trusting community. We request support from the State Government to provide direct intervention to enable the delivery of increased mental health services into our regional communities to support this recovery.

We respectfully request that the concerns of these electors be considered by yourself and the State Government in any future review and deliberations relating to vaccine mandates or other measures applicable to living with COVID-19.

As mentioned in point 3f of the resolution, we look forward to receiving your response.

If you have any further queries please do not hesitate to contact this office via the above details.

Yours sincerely

**Chris Linnell**  
CHIEF EXECUTIVE OFFICER

Enc. |



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# MINUTES

## Special Electors Meeting

Held in the York Town Hall  
Cnr Avon Terrace & Joaquina Street, York WA 6302  
Tuesday 12 April 2022



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# Shire of York

## Special Meeting of Electors

### Tuesday 12 April 2022



#### 1. Official Opening / Acknowledgement

The commencement of the Meeting was delayed due to seeking compliance from attendees in relation to the mandates requiring masks to be worn indoors, except with a medical exemption.

The Presiding Person declared the Meeting open at 5.48pm and welcomed those in attendance.

In opening the Meeting, the Presiding Person acknowledged the traditional owners of the land on which the meeting was held and reminded attendees to sign the Meeting Attendance Registers located at the entry point to the Town Hall.

#### 2. Record of Attendance / Apologies / Leave of Absence

##### Councillors:

Cr D Smythe	Shire President (Presiding Person)
Cr P Heaton	
Cr S Muhleisen	
Cr K Trent	
Cr P Wright	

##### Staff:

Mr C Linnell	Chief Executive Officer
Ms S McGuire	Executive Manager Infrastructure & Development Services
Ms V Green	Council & Executive Support Officer

**Members of the Public:** As per the signed Attendance Register:  
Eight (8) names were illegible  
Seventy nine (79) attendees

**Apologies:** Cr D Warnick, Deputy President; Cr A Garratt; Ms A Behan, Executive Manager Corporate & Community Services

**Approved Leave of Absence:** Nil

#### 3. Introduction of Councillors and Officers

The Presiding Person introduced the Councillors, Chief Executive Officer and Staff.

#### 4. Declarations of Interest (Financial, Proximity & Impartiality)

Cr Muhleisen declared an Impartiality Interest in the Meeting due to attending Pro-Choice meetings.

## 5. Purpose of the Meeting

In accordance with the prescribed Form 1 received on 8 March 2022, the Purpose of the Meeting is to consider the following:

1. *"The effect of mandatory vaccination on electors, ratepayers, residents and business in the district;*
2. *The effect of mandatory vaccination on the local government's affairs and the performance of the local government's functions; and*
3. *Motions to be voted on for an advocacy position against mandatory vaccination for the Council to consider adopting to provide leadership and guidance to the community in the district."*

No other matter can be raised or considered at the Meeting.

## 6. Manner of Conduct of the Meeting

The Meeting was conducted in accordance with the following:

1. The Shire President will preside over the meeting.
2. In the event of an emergency, attendees should take direction from Officers who will guide you to the exit points of the Town Hall.
3. The toilets can be accessed from the foyer.
4. All attendees are required to sign the Attendance Register located at the entry point to the Town Hall and on the clipboards being distributed. The attendance names and numbers recorded for the meeting will be taken from the names listed on the Attendance Register.
5. All attendees are required to abide by current State Directives in relation to COVID-19 requirements, including but not limited to, wearing masks indoors, social distancing and capacity limits of the venue.
6. There will be no public question time in accordance with Regulation 5 of the *Local Government (Administration) Regulations 1996*.
7. The Presiding Person will call for a mover and a seconder for each motion.
8. Only Electors\* of the Shire of York may move or second a motion.
9. Each person who participates in a vote or speaks must be an Elector\* of the Shire of York.
10. Speakers are to clearly state their name and address each time they speak.
11. Upon a motion being proposed, each speaker is to address the Presiding Person.
12. Debate will be limited to up to three (3) speakers for the motion, and up to three (3) speakers against the motion.
13. All addresses will be limited to a maximum of five (5) minutes. No extension of time is permissible, unless granted by the Presiding Person.
14. Voting at the Meeting will be in accordance with Regulation 17 of the *Local Government (Administration) Regulations 1996* which states:

### **"17. Voting at meeting (Act s. 5.31)**

- (1) *Each elector who is present at a general or special meeting of electors is entitled to one vote on each matter to be decided at the meeting but does not have to vote.*



- (2) *All decisions at a general or special meeting of electors are to be made by a simple majority of votes.*
- (3) *Voting at a general or special meeting of electors is to be conducted so that no voter's vote is secret."*
- 15. The Minutes will include a summary of any questions asked and a summary of the responses provided. These will not be recorded verbatim. Attendees may provide questions in writing which will be included as an Appendix to the Minutes.
- 16. In accordance with Section 6.16 of the *Shire of York Local Government (Council Meetings) Local Law 2016* no person shall use any visual or vocal recording device or instrument to record the proceedings of the Meeting without the written permission of the Presiding Person. In this instance, the person who arranged the meeting request did ask if the meeting could be recorded and that request was not approved.
- 17. No person is to use offensive, defamatory or objectionable expressions in reference to any Councillor, Officer or any other person. Zero tolerance will be shown to adverse reflection against anyone. Anyone making such statements will be called upon to unreservedly withdraw the expression and make an unconditional apology. Should the inappropriate behaviour continue the Presiding Person may adjourn the Meeting.
- 18. All Councillors and Officers attend the Meeting to observe the proceedings and hear comments from Electors. All questions and comments are to be directed to the Presiding Person who may invite a response from the Chief Executive Officer.
- 19. In accordance with Section 5.33 of the *Local Government Act 1995*, any decisions made at this Meeting will be considered at the next Ordinary Council Meeting where practicable. If at that meeting Council makes a decision in response to a decision made at this Special Meeting of Electors, the reasons for the decision are to be recorded in the Minutes of the Council Meeting.

*\* An **Elect**or means a person who is eligible to be enrolled to vote at Shire of York local government elections.*

## **7. Matters Which Cannot be Discussed**

In accordance with Section 5.23 of the *Local Government Act 1995*, as stated below, the following matters cannot be discussed at the Meeting:

### ***"5.23. Meetings generally open to public***

- (1) *Subject to subsection (2), the following are to be open to members of the public —*
  - (a) *all council meetings; and*
  - (b) *all meetings of any committee to which a local government power or duty has been delegated.*
- (2) *If a meeting is being held by a council or by a committee referred to in subsection (1)(b), the council or committee may close to members of the public the meeting, or part of the meeting, if the meeting or the part of the meeting deals with any of the following —*
  - (a) *a matter affecting an employee or employees; and*
  - (b) *the personal affairs of any person; and*
  - (c) *a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting; and*

- (d) *legal advice obtained, or which may be obtained, by the local government and which relates to a matter to be discussed at the meeting; and*
  - (e) *a matter that if disclosed, would reveal —*
    - (i) *a trade secret; or*
    - (ii) *information that has a commercial value to a person; or*
    - (iii) *information about the business, professional, commercial or financial affairs of a person, where the trade secret or information is held by, or is about, a person other than the local government; and*
  - (f) *a matter that if disclosed, could be reasonably expected to —*
    - (i) *impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law; or*
    - (ii) *endanger the security of the local government's property; or*
    - (iii) *prejudice the maintenance or enforcement of a lawful measure for protecting public safety;*
- and*
- (g) *information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971; and*
  - (h) *such other matters as may be prescribed.*
- (3) *A decision to close a meeting or part of a meeting and the reason for the decision are to be recorded in the minutes of the meeting."*

The reason the above matters cannot be discussed at the Meeting is because a meeting of Electors cannot be closed to members of the public.

## **8. Response to Written Questions Received prior to the Meeting**

### **8.1 Mr Phil Cowin York WA**

The following questions were received via email on Friday 8 April 2022:

1. *95% of people in WA are vaccinated. Why would the Shire of York consider changing socially responsible local policies in response to a small minority of highly vocal individuals?*
2. *Why would the York Shire put residents at risk by inviting them to attend a Council Meeting alongside stated anti-vaccination individuals? Don't interpret a lack of attendance as lack of interest.*
3. *What on earth are you thinking?*

#### **Response provided by the Shire President**

The Shire President advised the questions would be Taken on Notice with a response to be provided in writing.

## **9. Motions of the Meeting**

The following motions were provided by the person who arranged the meeting request on behalf of the electors who signed the request.

Where provided to the Shire by the speaker, the Mover and Seconder's speeches are included as an Appendix at the end of these Minutes.

## Glossary of Terms and Definitions

**Access** means to enter, or remain at, a premises.

**Approved COVID-19 vaccine** means:

- a. any vaccine that has been approved by the Therapeutic Goods Administration (TGA) for use in Australia for the purpose of vaccinating persons against COVID-19 or any mutations and derivatives thereof; and/or,
- b. any other vaccine specified by the Chief Health Officer, or any other person authorised by the Chief Health Officer for that purpose, as an approved COVID-19 vaccine.

**Premises** has the same meaning that it has in the *Public Health Act 2016* (WA).

**Vaccine** does not mean the medical terminology as defined in medical journals, but is the generic term in the context of COVID-19 as referred to by the TGA and the Chief Health Officer and Government Officials, and publications and statements made and issued under their auspices.

**Vaccination status** means whether a person is not vaccinated or has been vaccinated.

**Not vaccinated** means that the person has not been administered with any dose of an approved COVID-19 vaccine.

**Vaccinated** means that the person has been administered with any prescribed doses of an approved COVID-19 vaccine.

### 9.1 COVID-19 Vaccination Pro-Choice Statement - Motion 1 Business/Labour Sector

The motion to be considered, forms the first part of an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement'. We request that the Council adopt this position statement and actively advocate to the State Government to remove the vaccination mandate policy.

The first part of the position statement, to be voted on in this motion, is a list of basic principles and rights that we believe are fundamental to all who seek to be employed and operate a business which are currently being disregarded by the State Government.

#### Voting Requirements



Simple Majority



Absolute Majority

#### Elector's Recommendation/Resolution – 9.1

**Moved:** Ashley Fisher

**Seconded:** Mark Hutchinson

We request that the Council adopt an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement' and actively advocate to the State Government to remove the vaccination mandate policy. In this first motion we further request that the Local Government should advocate to the State Government in support of these fundamental and basic principles, that no person shall or should be:

- a. prevented from performing work or receiving income on the basis of vaccination status;
- b. coerced or manipulated into the need for vaccination for any reason;
- c. deprived of any Statutory and Regulatory benefits on the basis of vaccination status;
- d. restricted access to premises on the basis of vaccination status;
- e. required to provide evidence for any reason of vaccination status; and / or,
- f. subject to anything under written law that a person who differs in vaccination status is not.

**CARRIED**

## 9.2 COVID-19 Vaccination Pro-Choice Statement - Motion 2 Residents

The motion to be considered, forms the second part of an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement'. We request that the Council adopt this position statement and actively advocate to the State Government to remove the vaccination mandate policy.

The second part of the position statement, to be voted on in this motion, is a list of basic principles and rights that we believe are fundamental to all who seek to be included in their community and treated equally, which are currently being disregarded by the State Government.

### Voting Requirements



Simple Majority



Absolute Majority

### Elector's Recommendation/Resolution – 9.2

**Moved:** Audrey Sole

**Seconded:** Roger Croucher

**In this second motion we further request that the Local Government should advocate to the State Government in support of these fundamental and basic principles, that no person shall or should be:**

- a. discriminated against on the basis of vaccination status;
- b. restricted in any form of community participation on the basis of vaccination status; and / or,
- c. subject to anything under written law that a person who differs in vaccination status is not.

**CARRIED**

## 9.3 COVID-19 Vaccination Pro-Choice Statement - Motion 3 Sustainable Economy

The motion to be considered, forms the third part of an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement'. We request that the Council adopt this position statement and actively advocate to the State Government to remove the vaccination mandate policy.

The third part of the position statement, to be voted on in this motion, is one we believe is fundamental to sustaining the economy, within the York Shire/District, in consideration of the people and the businesses.

### Voting Requirements



Simple Majority



Absolute Majority

### Elector's Recommendation/Resolution – 9.3

**Moved:** Jane Ferro

**Seconded:** Monique Hutchinson

**In this third motion we further request that the Shire of York Council advocate on behalf of all people in the Shire by actively working towards encouraging the State Government to align emergency directives to include:**

- a. Support for businesses, local entities, employees and residents,
- b. Protection for businesses in way of staff loss and other occupational health and safety concerns,
- c. Consistency, inclusion, stability and sustainability for all,
- d. Clarity for all to ensure no overreach of directives that may lead to possible litigation, and

**For the State government to initiate a survey regarding the impacts and liability of the mandates across the above points a, b, c and d.**

**CARRIED**

#### **9.4 COVID-19 Vaccination Pro-Choice Statement - Motion 4 Agricultural and Trade Sectors**

The motion to be considered, forms the fourth part of an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement'. We request that the Council adopt this position statement and actively advocate to the State Government to remove the vaccination mandate policy.

The fourth part of the position statement, to be voted on in this motion, is one we believe is fundamental to sustaining the economy in view specifically to all of the towns of the Shire/District of York's agricultural and trade sectors.

##### **Voting Requirements**



Simple Majority



Absolute Majority

##### **Elector's Recommendation/Resolution – 9.4**

**Moved:** Monique Hutchinson

**Seconded:** Karen Marwick

**In this fourth motion we further request that the Shire of York Council advocate to all relevant departments and ministers of the State Government on behalf of the York agricultural and trade sectors, that the mandates be amended to allow these industries to operate without restrictions, or at least minimal restrictions, given that the work environments are open air, with capacity to easily socially distance. These conditions mean that the activities fall into the "Low Risk" category when evaluated and assessed on a Risk Rating Matrix.**

**CARRIED**

#### **9.5 COVID-19 Vaccination Pro-Choice Statement - Motion 5 Emergency Services**

The motion to be considered, forms the fifth part of an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement'. We request that the Council adopt this position statement and actively advocate to the State Government to remove the vaccination mandate policy.

The fifth part of the position statement, to be voted on in this motion, is one we believe is fundamental to sustaining the emergency services for all towns within the Shire/District of York.

##### **Voting Requirements**



Simple Majority



Absolute Majority

##### **Elector's Recommendation/Resolution – 9.5**

**Moved:** Rob Forster

**Seconded:** Mark Lloyd

**In this fifth motion we further request that the Shire of York Council continually advocate on behalf of our local volunteers to all the relevant departments and ministers of the State Government, to allow for all willing community members to actively participate in a volunteer role, particularly emergency services, free from medical prejudice, considering the remote and rural nature of the towns within the Shire/District of York.**

**CARRIED**

**9.6 COVID-19 Vaccination Pro-Choice Statement - Motion 6 Local Government Employment and Services**

The motion to be considered, forms the sixth part of an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement'. We request that the York Shire Council adopt this position statement and actively advocate to the State Government to remove the vaccination mandate policy.

The sixth part of the position statement, to be voted on in this motion, is one we believe needs to be reevaluated due to its fairness across this jurisdiction.

**Voting Requirements**



Simple Majority



Absolute Majority

**Elector's Recommendation/Resolution – 9.6**

**Moved:** Kerry Bell

**Seconded:** Graeme Fisher

**In this sixth motion we further request that the Local Government shall:**

- a. not restrict any function, property, or service of the Local Government based on vaccination status; and,
- b. as far as practicable redeploy or reinstate employees/contractors of the Local Government, that risk termination or have been terminated on the basis of vaccination status;
- c. honour all obligations under contract for all persons adversely impacted as a consequence of inferred mandatory requirement for vaccination; and,
- d. establish means to compensate Local Government employees that have lost income as a consequence of termination on the basis of vaccination status.

**CARRIED**

**9.7 COVID-19 Vaccination Pro-Choice Statement - Motion 7 Safely Moving out of the Pandemic**

The motion to be considered, forms the seventh part of an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement'. We request that the Council adopt this position statement and actively advocate to the State Government to remove the vaccination mandate policy.

The seventh part of the position statement, to be voted on in this motion, is one we believe should be halted until unequivocal facts are made available, especially due to the unfavourable impacts that are increasingly outweighing the perceived necessity for safety for all.

**Voting Requirements**



Simple Majority



Absolute Majority

**Elector's Recommendation/Resolution – 9.7**

**Moved:** Jane Ferro

**Seconded:** Monique Hutchinson

**In this seventh motion we further request that the Local Government actively advocate for:**

- a. the removal of the COVID-19 mandatory vaccination policy and any associated directions made under the *Public Health Act 2016 (WA)*; and
- b. the repeal of any mandate or written law, or, anything done under any mandate or written law that conflicts with this position statement.

**CARRIED**

**9.8 COVID-19 Vaccination Pro-Choice Statement - Motion 8 Advocate Co-operation with Other Corporate Entities**

The motion to be considered, forms the eighth part of an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement'. We request that the Council adopt this position statement and actively advocate to the State Government to remove the vaccination mandate policy.

The eighth part of the position statement, to be voted on in this motion, is one we believe is necessary in creating accountability across corporate entities, so that unequivocal facts can be brought forward with discernment of a wider view, limiting chance of error.

**Voting Requirements**



Simple Majority



Absolute Majority

**Elector's Recommendation/Resolution – 9.8**

**Moved:** Ashley Fisher

**Seconded:** Charles Lee

In this eighth motion we further request that the Local Government in performing an advocacy role will seek the cooperation of:

- a. Other Local Governments across the State;
- b. Western Australian Local Government Association (WALGA);
- c. Local Government Professionals WA; and,
- d. Other professional bodies, associations, and business entities.

**CARRIED**

**9.9 COVID-19 Vaccination Pro-Choice Statement - Motion 9 Transparency and Access to Unequivocal Facts Regarding COVID-19**

The motion to be considered, forms the ninth part of an advocacy position statement called the 'COVID-19 Vaccination Pro-Choice Statement'. We request that the Council adopt this position statement and actively advocate to the State Government to remove the vaccination mandate policy.

The ninth part of the position statement, to be voted on in this motion, is one we believe is necessary for all in our community to have access to unequivocal facts, so that full discernment as to navigation of personal safety for all is properly considered and respected.

**Voting Requirements**



Simple Majority



Absolute Majority

### **Elector's Recommendation/Resolution – 9.9**

**Moved:** Dee Robinson

**Seconded:** Peter Bailey

**In this ninth motion we further request that the Shire of York Council undertake investigation and assessment of:**

- a. The unequivocal effectiveness of the mandated vaccines for all ages, inclusive of and not limited to 0-100 years,
- b. The unequivocal adverse effects of the mandated vaccines for all ages, inclusive of and not limited 0-100 years, freely disclosed by medical professionals and individuals, and
- c. the legal and lawful implications of the Shire and businesses, of the:
  - a. *Current Occupational Health and Safety Act 1984*, and
  - b. *Health and Safety Act 2020* (new work).

**Whereby findings of points a, b, and c above are accurately reported back to the Shire of York residents and ratepayers.**

**CARRIED**

### **10. Closure**

There being no further business the Presiding Person thanked those in attendance and declared the Meeting closed at 7.37pm.

It should be noted the report required to be presented to Council to consider the resolutions of this Special Electors Meeting will be presented to Council's May 2022 Ordinary Meeting.



## **Motion 1: Business / Labour Sector**

Mark York

I am Mark Hutchinson, a resident of York for the past 5 years.

The Prime Minister Scott Morrison stated, when referring to COIVD-19 and I quote “Nobody’s going to force anybody to do anything as a compulsory measure”.

We thought we lived in a free society, but recently our state government has used COVID-19 Vaccination status to:

- Restrict rights to earn an income, to travel, to conduct recreational activities, to participate in community groups, and to go to licensed events.

On what grounds do these directives stand as law, where is the evidence?

I am a Father of 4 children and 3 Grandchildren.

I served in the W.A Police Force for 23 years from October 1985 until December 2008.

During those years I lived and worked in country towns from the Goldfields to the Gascoyne, Pilbara and Kimberley.

From 2008 to 2012 I worked at the Pilbara Ports Port Hedland as Vessel Traffic Services Officer, before I obtained employment at Fremantle Ports in the same capacity in August of 2012.

In January 2022, whilst on Sick Leave, my employment at Fremantle Ports was Terminated as I had not received the government Mandated Covid 19 injection.

I have previously been vaccinated against other illnesses however, in every essence of my being I could not bring myself to be injected with an unproven, untested experimental drug.

I made the choice of placing my health before an income I received of \$135,000 per year.

This decision has placed me under a great deal of mental anguish and I experience sleepless nights, bouts of Depression and cascades of overwhelming grief and sadness.

I wonder how I will now navigate the financial needs of my family especially with the future prospect of one of my children facing very expensive medical procedures in years to come.

I will now bring forward John's story who could not be here tonight:

John is employed by the Department of Education, in IT/Computers to work at some nearby schools. Following the State Government Health Directives, he was told unless he is vaccinated: He cannot attend a school premises, even on a weekend, when there is no one else there.

The Department of education has stopped his income, despite his ability to work remotely to achieve his employment contract and despite being healthy and fit for work.

John is certainly not the only one in this position. Others too have found these same measures leading to a choice of vaccinate or loose your job.

John has spoken with several good, experienced teachers that are in the same position as him. They have mentioned that they feel, that from their medical history, the vaccine may have a negative impact on their health, but what choice do they have.

**The Fair Work Ombudsman states:**

- 1. An important part of Australia's vaccine rollout continues to be a collaborative approach in the workplace that includes discussing, planning and facilitating COVID-19 vaccinations.*
- 2. Where employees **choose** not to be vaccinated or aren't able to be vaccinated, explore other options including alternative work arrangements, eg work remotely.*
- 3. If an employee refuses to be vaccinated, an employer should, as a first step, ask the employee to explain their reasons. An employee may have a legitimate reason for not being vaccinated.*

Where was John's option to work remotely? Where was the consideration for his wellbeing and his choice? Where was my opportunity to explain my reason prior to be terminated whilst on sick leave.

My family and I have experienced all the freedoms associated with country life, truly beautiful and enriching experiences that my children still talk of today. I would dearly love to see those experiences returned and to continue into the future.

Thank you for your consideration of this motion, please vote in favour to bring back basic human rights, so that everyone can have the same rights to standard of living.

**Address to York Shire Council & Ratepayers - Motion 2 Special Electors Meeting April 12th 2022**

**by Audrey Sole**

Thank you to all of you who are here to help address covid issues and to our Shire President for convening this event.

I come here today as a committed volunteer of both the River Conservation Society and Wildflower Society who in 2021 was put forward as citizen of the year and was given a special certificate of achievement. I am still the same person on the outside- but now very different on the inside.

I am a 'Healthy' founding member of the Environment centre but I can't enter as I am unvaccinated. My own committee shut me out. This was not mandated but a carefully considered action.

To remain unvaxed is my choice but now I suffer the consequences. I am unable to attend the groups meetings, no yoga, no pilates, no legal sit down coffee or meals. I am now no longer able to see 3 of my grandchildren because their parents live in fear that I may pass on the virus. I remind you - I am a 'Healthy' person but 'What do you think this is doing to my MENTAL HEALTH ? '

Some would say - 'Why not just take the jab and avoid all this pain'. Have you ever had a gut feeling that something just wasn't right ? This so called vaccination was considered a trial but Pfizer had no control group. It was considered safe but makers would not release what was in the vaccine. We were told it was safe and now Pfizer ( under duress) has released it had over 1200 different adverse reactions.

<https://phmpt.org/wp-content/uploads/2021/11/5.3.6-postmarketing-experience.pdf>

The estimated death was at that time only thought to be 2 people in 100,000. I had a healthy immune system so I listened to my heart and refused.

There is a large group of people in York who thought THEY were valuable members of our community. People who have been members of groups most of their lives. Sporting clubs deny unvaxed access to the Rec Centre and Golf Club Facilities. The Men's shed, The Film Society, The Probus Club, The Car Museum and York Museum, the Croquet Clubhouse & the RSL lock out unvaxed. Even York FM who run ads that being part of a club is good for our mental health - does not include the unvaxed.

Members of our community are being discriminated against for choosing what they put into their bodies - a basic human right included in the Nuremberg Code.

Living in fear is harmful to ALL ! and thanks to the media and government policy people have been living in fear of catching this flu. Omicron is a weakened form of the Covid virus - but the measures and restrictions haven't eased.

Thank you to all those individuals and businesses who have stood in solidarity and supported each other through this difficult time. You know who you are.

In Nov 2021 it was reported in the Medical Journal -The Lancet

- stigmatising the unvaccinated is not justified.

It states you have an equal chance of catching co-vid from a vaccinated person. You do in fact have a greater chance as apparently over 95% of them are jabbed but are still catching covid.

<https://www.thelancet.com/journals/laninf/article/PIIS1473-3099>

My unvaxed daughter recently had covid and recovered in 2 days. She caught it from her friends who were all triple vaxed and they took over a week to recover.

The World Doctor's Alliance also states that 'only a symptomatic person can spread infection'. But sick people are isolating and staying at home !!

<https://worlddoctorsalliance.com/?fbc#site-nav>

Why then are healthy unvaxed people being excluded from community group facilities ?

So I put to you - started thinking with love and common sense. I move this motion and ask that the York Shire Council advocate on our behalf. Put a stop to the discrimination. Advise community groups that restrictions should be lifted and their basic human rights restored.

# POINT BRIEF TO COUNCIL

**Speaker: Roger Croucher**

Time: 3minutes 20 seconds

## Introduction

Good afternoon ladies and gentlemen. Thank you for your time.

My name is Roger Croucher

My military service 24 years in the Australian Army

I represent members from three local veterans' groups

I am now retired and work as a volunteer veterans counselor

## Body

1. A number of veterans have exercised their democratic right not be vaccinated. Because of this they are now discriminated against.
2. Remembering that the veteran's community has one of the highest suicide rates in Australia. They are now being restricted in utilizing one of the most effective anti-suicide programs, that is endorsed by the government. That is having a meal, a beer, or a coffee with mates.
3. To put this in context, on ANZAC day a considerable number of veterans will not be allowed into the RSL hall, they will not be allowed in the RSL grounds to partake in the gunfire breakfast, they will not be allowed into cafes' with their mates prior to the march. And they will not be allowed into ANZAC day mid-day functions.
4. This restricted community participation is having a detrimental effect on individuals, family groups and the well-being of veterans in the local community.
5. At this meeting we are exercising our democratic right, "to be here as a group". At this meeting we are allowed, "freedom of speech", as well as another right that has been damaged recently and that is "medical in confidence". This is a right that states "we do not have to tell people our medical condition or treatment" <sup>and sometimes</sup> why - because it leads to individuals being adversely targeted because of their medical status.
6. It is the veterans who have fought for these freedoms and kept these rights free within Australia. It is now these very people who are being targeted with illegal discrimination and poorly thought-out government mandates.

## Outro

Thank you for listening. Any questions.

*Please vote in the affirmative on this ~~point~~ motion.*

### **Motion 3: Sustainable Economy**

*(Presented by Jane Ferro on behalf of John Seman, the writer, who was unable to attend the Special Electors' Meeting)*

If you've had a business (or even just been alive) in the last 2 years, you have experienced a wild ride. Be it by design or not, the small business sector and most employees have been impacted by:

- Sudden shutdowns & lockdowns
- Staff availability (quarantine)
- Travel restrictions
- Supply disruptions

All of these measures, put in place by the State government, are enacted using state emergency public health powers.

Did you realize the WA State government has used the State of Emergency declarations on a continuous basis for over 2 years? These emergency declarations are valid for only a 14-day period and I suggest the use of these powers for a continuous 100+ weeks was never the intention of the rules. When we've just had more than 50 consecutive declarations, I tend to get suspicious.

If the vaccines are so effective, why have we over 100 weeks of emergency declarations yet no plan forward? Are we closer to a solution out of COVID? If you look at the State government than you are likely to say no, there is no plan.

No better example of the government's insanity is the sudden flip from initially prohibiting unvaccinated people entering a liquor store to the rapid dropping of this restriction.

On the other hand, there **ARE** solutions supported by top medical practitioners who, strangely, are being censored. We can stop over 85% of COVID-19 hospitalisations and deaths with recognised early treatment protocols using super safe existing medicines. These early treatment protocols have been developed by many very qualified doctors: Peter McCullough, Front Line Critical Care Alliance, Tyson Fareed.

Early treatment works if you start the treatment when the symptoms appear, not isolate and wait for them to get worse. Vitamin C & D, Zinc, Aspirin, Iodine mouth wash are some of the products used.

Pfizer by their own admission says it has no long term safety data on the health effects of the vaccine. Their claim the vaccines are 'safe and effective' is not supported by a significant amount of available data, including that from Pfizer, FDA, our own TGA adverse events data and the US Vaccine Adverse Events Reporting System (VAERS).

For any other illness, natural immunity is recognised as an exemption to being vaccinated. Surprisingly for COVID-19 this long-established medical principle is

discarded; although in some Pfizer documents released a few weeks ago, the Pfizer trials show natural immunity is highly effective against COVID-19.

If we removed some of the panic and fear involving COVID 19 and stopped using questionable emergency powers, we could give all businesses and employees more fairness & certainty.

Well, you might say that's okay it doesn't affect me, I'm vaccinated. Maybe, but not everyone has complied. I don't need to tell you what happens to your spending habits when you stop being paid. Suddenly your problem has consequences for other businesses.

My decision was based on the following considerations:

- My chance of getting COVID, living in a country setting, 1,000m from the nearest house, is minimized.
- I don't go to sporting events, nightclubs, cinemas, crowded places etc.
- I have chosen early treatment using conventional medicines that have shown to reduce hospitalisations & deaths by 85% if exposed to COVID-19.
- COVID-19 shares 65-82% commonality with other Coronaviruses and therefore most of us have a certain level of natural immunity
- The evidence now shows the vaccine does not prevent you catching or transmitting COVID19.

Surely the easiest solution is to recognise that vaccination is a personal choice we each have an innate right to make.



### Motion 3

Good evening, Madam President, councillors, ladies and gentlemen, children.

As a woman with 20 years of physical and mental health knowledge, I question the law behind the state government's emergency directives. Is it not true that the emergency directive applied, should be the best to protect the people from an emergency? Two years on, the question is being asked across the world - "was this health threat handled correctly?"

A difficult answer when a new threat with no foreseeable insight as to true severity, is left to what we are told will happen. So as a world we chose short term lock downs. These provided time to watch and assess, decreased pollution levels, increased trade sector as money moved from travel to renovations and locally economies boomed. Then social distancing provided a welcome change to personal boundaries and awareness of space. Masks were added to provide some early attempt of safety, whilst we all anticipated keeping covid away, so specialists could track the next best move.

However, this was never going to be sustainable, has much as we all enjoyed the break, industry was not continuing, income was not coming through the door, we were standing still and extended family and friends were missing their first ever Christmas. We began seeing medical warnings of extended mask wearing and soon the mandated vaccine was added so that all could get back to normal. Though as people are not a one size fits all, medicines have always been to the discretionary of the patient and the doctor who was trusted to keep you healthy. Today people are doubting the doctors and doctors are doubting the scientists and new questions are being raised daily.

Since the world jumped into the same direction, at different times, we have the added advantage to work together and collate data from around the world. It is time to find the answers to the ever increasing questions:

- What variant are we up to now? Is it a pathogen?
- How effective have the vaccines been?
- How many adverse reactions have occurred and what has been experienced?
- How many died of Covid, or was it with covid?
- What are all the experts saying from their professional evidence and two years of research?
- How many businesses have folded, how many survived?
- How many people are employed/unemployed/now on centrelink?
- How left their jobs how many international foreigners took those Australian jobs?
- And what about mental health impacts from the fear of dying, fear of being separated from children, from parents, fear of financial loss, fear of being bullied from those with a different belief?

How is the health of our community? The view of community used to stand for a way to support each other. Now community is divided in two areas, one side is fearful of dying from covid and the other fearful of dying from the vaccine? When we stand back and have a look both are fearful of dying, both have very real concerns with evidence to support the view. So why are they attacking each other, excluding each other? When someone has a fear of death, wouldn't it be better to console them and find out how you can be of support for them?

Mental health has increased in 2020 mental health services were strained and had a wait list of 2 months, now 2 years on, waitlists are from 4 months to a year depending on the professional you need.

It is time to get back to sustaining our economy and working together for the immune compromised, for the very healthy, for the young and the elderly. It is time to support each other again to find a better way forward that best protects all rights, all fears, all beliefs with updated unequivocal facts that can lead us into a better tomorrow for everyone.

We ask that you vote for this motion to find a better way to health and security for all in our town. Deep gratitude to you all for your time in consideration of this motion.

#### Motion 4 - Move

Good evening Madam President, Councilor's Ladies, Gentleman and Children

As a woman who is self-employed, I ask, how businesses and farmers of our Shire, are fairing these emergency directives?

Our agriculture and trade sectors are the backbones of our town. Therefore, changes in these areas should be noted and where necessary supported, to avoid impact to all who supply and rely on these necessities and services.

Being rural and new to directives we have witnessed money being spent locally and city dwellers travelling to York to escape. Some businesses' have become busier and continue to do well overall. We are lucky, but for how long??

After approaching businesses' in York with a genuine concern to hear how they were travelling since the directives, we report some businesses have found following the directives easy enough with only a little drop in profit margins. However, this was only a small amount of the total spoken to.

The rest described the following impacts that are already beginning to show.

Some have not fully recovered from the first lock down, profits dropped, when tourists could not enter. This created longer working hours to meet smaller profits to cover costs.

Across all businesses' prices overall are increasing, mainly due to in freight issues across the country. There is an inconsistent supply chain, stocks are harder to obtain, creating delays and higher prices.

Busyness has been a welcome change, however some are feeling a level of mental and physical exhaustion, where some people have had to work longer hours to cover missing staff due to close contacts, positive tests or genuinely feeling unwell. This was to be expected, though if being felt so early in the piece, how can this be sustained?

Staff are using up their sick and annual leave faster than ever before, and having days off without pay, this is not sustainable when there is bills to be paid and jobs to get done. Most businesses commented on how hard acquiring staff has become, they have been forced to increase incentives to attract and retain staff, decreasing overall profit.

Inconsistent, misinterpreted directives are creating a problem for handling, leading to a decrease in confidence in retaining staff and customers. There is no clear flow to how or when a job can be completed. Flexibility has become a necessary stand, however the inability to forecast future planning is leading to unfinished jobs that are accumulating, creating pressure and tension on all staff.

There is an expectation for staff to be directive enforcers, advertise paraphernalia and confront customers, regardless of the lawful views about possible litigation and discrimination. With no written laws to follow, businesses' have been given loose directives in order to find their way. They are finding customers are divided on mandates that in turn is affecting their business. They are seeing increased anxiety, fear, agitation, and confusion amongst their customers.

The Federal Government stated that all had a choice, the truth is businesses did not have a choice. Have the vaccine or don't run your business. Workers did not have a choice, get the vaccine or lose your job.

How do you leave a business when employees and others have contracts with you to engage in work?

How do you leave when locals count on you to be there for their needs?

How do you leave when you rely on sales and services to pay your bills?

We ask you to vote in support for reducing mandates for our general business and trade sector to support them during these tough times.

Motion 4 – Second

Good evening Madam President, Councillors, Ladies, Gentleman and Children,

We now bring the report from our agriculture sector. A sector who works tirelessly in the background, and without them, we all would be heavily impacted.

The greatest impact was farmers could not have specialist people able to enter their premises. Meetings with Bank Managers, Accountants and Consultants turned to virtual interactions, and meetings with suppliers became minimal.

There has been an influx of interest in people seeking farm work, most were not qualified and seasonal employment which is largely scoured from backpackers, have become non-existent.

With huge delays in necessary equipment and requirements, flexibility and large ordering in advance has become necessary, more so than previous years, to ensure that what is required is available. There is no guarantees to acquire what you need to run the farm.

High demand and low supply of farm materials are increasing prices substantially, by as much as 25% plus. When running large plant and equipment very soon your costs explode.

Two years in living with the directives, employee isolation, these are creating an impact to the usual natural flow of events when it comes to seeding, harvesting and hay making. Preplanning for future seeding and harvest is much harder to navigate when it is disrupted by an employee having to isolate for a week,. this could occur at any time. Farming is time critical, and this inconsistency poses a very real concern and risk to farming success.

CBH struggled to book ships to export WA's record harvest in 2021 season, due to the implications of the pandemic on shipping worldwide. As a result, grain prices dropped dramatically during harvest, given the over supply and lack of being able to supply to the rest of the world. Even though W.A. grain is highly sought after, they could not ship it to the markets willing to pay top dollar.

To deliver grain to CBH, either an employee or the farmer must be vaccinated. Either you vaccinate, or you can not deliver and sell your grain. This is not a choice.

There is a very real concern for the heavy duty machinery and vehicle operation, In our shire we have heavy haulage and buses on narrow country roads. Some are concerned about staff behind the wheel of trucks and those operating heavy farm machinery. There is a concern of heart attacks while using equipment, this presents a disastrous outcome no one wants to see. Many are still asking - who will pick up the cost of life and destruction. Insurances companies have walked away from their responsibility when it has come to the health impact from the experimental injection. There no clear answers - where does this leave our agricultural sector?

A message from our farmers –

“It would be nice to 'live with Covid' and Move forward without all the rules being implemented. Living in a rural environment and raising children they too are impacted, having to wear masks on the school bus for an extra two hours a day, because of the distance they have to travel to school. Your support to lift the mandates required under the emergency directive would be the best support you could give us in this situation.”

Thank you for your time and consideration of this motion - We ask that you show your support and vote to reduce or better still remove mandates for our agricultural and trade sectors due to their low risk category to support their needs during these trying time.

Good evening Everyone

My name is Rob Forster, and I am a suspended Volunteer from the Talbot Brook Bush Fire Brigade.

I have;

- 19 years as a Bushfire Volunteer
- A Training Officer and Captain with the Wooroloo Bushfire Brigade
- 12 years with the Talbot Brook Bushfire Brigade

This is supported by;

36 years as a Professional Firefighter, Instructor and Senior Officer with;

- Army Fire
- Aviation Fire
- United Nations Fire Service in Bosnia and....
- The WA Fire Service

With the WA Fire Service, I served in Qatar during the time of the Second Gulf War Training Special Forces.

- I am a Graduate of the Institute of Fire Engineers, I have a
- Post Graduate Degree in Emergency Management
- Advanced Diploma in Emergency Management Public Safety

- Diploma in Fire Management and another in Fire Engineering.

Despite all of this skill, knowledge and experience I have been prohibited by the Department of Fire and Emergency Services, and ultimately the York Shire in Volunteering my services to the Talbot Brook Brigade and the Communities of Western Australia because I would not give in to the coercion of the unlegislated Mandatory jobs placed on all Emergency Service Volunteers as of 31 December 2021.

It takes a special type of person to be an Emergency Services Volunteer.

Volunteers across Australia have for decades forgone both the comfort of their home and recreation to risk their lives to protect and save lives and property of others.

Sometimes they have done this when their own properties and loved ones have been at risk themselves.

And this rejection, is the thanks they have received from the community and Local Government Authority that they faithfully served unconditionally?

“Thanks, but your services are no longer required if you don’t comply.”

What an immoral, ungrateful slap in the face.



We have been discarded like junk food wrappings.

There is no science whatever to support that I, as an unjabbed person, place anyone else around me in any danger whatever.

The Experimental Vaccine is supposed to protect those that take it against both contracting the disease and transmitting it.

This is why we take Vaccines like Polio, Typhoid and Cholera, to build an immunity to those terrible diseases.

We all know that this is simply not true for the Covid Vaccine.

Across Australia and the World, we have both Vaccinated and Unvaccinated patients.

I am able to be here tonight, unvaccinated, as many of you are, but it is not considered safe for me to provide my services at a Bushfire or other emergency.... Do you not see the ridiculousness of this situation??

If one applies critical thinking to this whole scenario, I am precluded from saving lives and protecting property and all this ~~for~~ for a survival rate of 99.97% without early intervention and these figures are supplied by the Australian Government Department of Health for Western Australia.

<https://www.health.gov.au/health-alerts/covid-19/case-numbers-and-statistics>

Many of you in this room will know someone that has contracted Omicron and it has been nothing more than a serious flu nothing like the Alpha or Delta strains.

So based on all the available evidence against this tyranny to continue the York Shire is supporting unlawful mandates and unjustifiably aiding DFES in stopping Volunteers from performing what they see as a civic duty.

In 2020 when I and others in this room fought the Wooroloo fires that devastated hundreds of properties destroying homes, livestock, and other assets during the so-called Pandemic, we were hailed as heroes.

What has changed?

What dramatic increase in Covid numbers were there in that big mixing of Volunteers and Career from Fire, State Emergency Service, Police, Paramedics, Salvation Army, Western Power, and many other support personnel that would justify the standing down of unjabbed Volunteers.?

None.... Not one case of Covid was reported or attributed between unvaxxed or vaxxed Emergency Services personnel of the many hundreds, possibly thousands that that attended that catastrophe.

But there is one thing for certain, I, and others saved lives .  
and property and we should be still doing so and not to allow  
Volunteering to continue is reckless.

I urge the York Shire to reject the DFES Mandates and allow  
Unjabbed Volunteers to return to their duties.

## Motion 6. Move

Is it not true that our local government is responsible for its people, the voice of and protection of its people? All people. Is it not true that all facts and evidence should be examined to determine what hardships people of this town are facing? Then we call on our local government to stand honourably and fairly when assessing the inclusion rights for all people to access events, employment, facilities and services in this town. Already many are stopped from entering the Rec centre, many have been stopped from being able to dine in at their favourite local eateries, many have been stopped from supporting local museums, many have been stopped from earning an income. Many who pay rates no longer can use the facilities that the rates pay for.

Government bodies have stated all can still pass on covid, vaccinated and unvaccinated? The only difference being presented they feel that the vaccinated will fair the illness easier and have a quicker road to recovery. Then there is no danger posed by those choosing to not receive the COVID-19 vaccine. So why is this town choosing to exclude people from events, employment, facilities and services?

There are cities, towns and countries of people who feel this way all over the world. I can guarantee there are a larger amount of people in this room who would have chosen to not receive the newly experimental injection if it was not forced upon us. If this vaccine was clearly for our benefit, why are so many people all over the world leaving their jobs, their mortgages, their ability to participate in society? Think about it just who would choose hardship when they did not have to?

Let's look out to one of our neighbouring countries – New Zealand

They are asking a question that can only really be answered if the full truth and the full evidence is known and assessed by the people of New Zealand. Thankfully that may be beginning to happen now. But one thing is for certain. The biggest victims of this situation are now coming together, they are uniting to support each other, they are uniting to tell their stories, and they will be ***SILENT NO MORE***.

An important point to note here. Their story is not an anti-vax one at all, and the information presented here is not anti-vax in any way. They are compiling information and evidence about one particular vaccine. The COVID-19 vaccine.

On March 29th the 'Silent No More' movement was officially born in New Zealand. It was an event that was created out of a collective vision and a collective effort of numerous passionate Kiwis from around the country who all had a shared desire and need to come together to tell their story and to just be heard. People from right across the country gathered in front of parliament in a memorial service to grieve together, to tell their stories together, and to deliver their petition with 12,000 signatures (gathered in just 5 days) to parliament.

Some were grieving for the health that they, and so many fellow Kiwis, have now lost. Many permanently. Some were grieving for their loved ones who have paid the ultimate price from taking the COVID-19 vaccine. All were grieving for what has been done collectively to their country and its people. There were tears. A lot of tears. But it was a watershed moment for these people, and for the thousands of others who couldn't be there but wanted to. No longer would they be hushed up, ignored, and ridiculed by their government and the media. New Zealand people are now speaking up about the adverse reactions being discovered daily among those who rolled up for their country.

We are still gathering our data, we too are finding adverse reactions every day here in Australia. We need to stop and take head of what is happening elsewhere and find the solutions before it is too late. Before too many are excluded, too many are suffering adverse reactions, too many are no longer able to work, too many are negatively affected.

Thank you for your time and consideration of Motion 6.

## Motion 7 – Mover Jane Ferro

I, like many others, acknowledge and recognize the fear that has been created which has led to many in our community – and in the world – believing they are only safe if they wear multi-layered masks, social distance, isolate themselves, agree to multiple injections and whatever else they are told to do. If some members of our community only feel safe by complying with the directives and mandates of those they have come to trust, so be it.

Why, you may ask, do some of us not feel afraid of this virus known as Covid 19? Many of us come from a long history of looking after our own health. We are well, with strong immune systems that function normally. In fact, new research found that natural immunity offers exponentially more protection than COVID-19 vaccines. Vaccinated individuals were 27 times more likely to get a symptomatic COVID infection than those with natural immunity from COVID.

<https://fee.org/articles/harvard-epidemiologist-says-the-case-for-covid-vaccine-passports-was-just-demolished/>

We also posed lots of questions from the very start. There was information coming from an increasing number of highly qualified individuals in the medical and scientific community which conflicted with the narrative. The dots did not connect for us. However, it has been challenging to say anything different to the mainstream media narrative.

The data now emerging shows that the number of actual deaths from Covid – as compared with deaths with Covid – is significantly lower than what we were originally told. In 2020, there were no more deaths than the norm. The usual deaths from heart conditions, strokes, cancer, etc contributed to the total, even though death certificates wrongly identified Covid as the cause.

On the other hand, after the vaccine rollout, the data from VAERS ([Vaccine Adverse Event Reporting System](#)) reveals the COVID jabs are the most dangerous vaccines ever created. After only 15 months ([18.3.22](#)) of the Covid vaccine in America, there has been:

- 68,000% increase in strokes
- 44,000% increase in heart disease
- 22,000% increase in deaths of people over the age of 50
- 6,800% increase in deaths overall
- 5,700% increase in permanent disabilities
- 5,000% increase in life threatening injuries
- 4,400% increase in hospitalizations

as compared to 30 years of deaths and adverse events from non-Covid vaccines.

<https://healthimpactnews.com/2022/covid-19-vaccine-massacre-68000-increase-in-strokes-44000-increase-in-heart-disease-6800-increase-in-deaths-over-non-covid-vaccines/>

<https://healthimpactnews.com/2022/22000-increase-in-deaths-following-covid-vaccines-for-adults-over-50-as-fda-authorizes-2nd-booster-for-this-age-group/>

On top of that, the lockdowns and mandates have caused a steep rise in:

- Suicides
- Mental Illness
- Substance abuse
- Domestic Violence
- Child Abuse
- Families torn apart
- Small business closures
- Loss of jobs and income because of work mandates
- People dying in their homes from serious diseases not being treated
- Discrimination and bullying everywhere, but children are the most vulnerable
- Detrimental effects of Isolation, especially for the young and the elderly
- Masking causing both physical and psychological damage
- Adults wearing face masks has left a generation of babies and toddlers struggling with speech and social skills
- Those turning two “will have been surrounded by adults wearing masks for their whole lives and have therefore been unable to see lip movements or mouth shapes and requiring speech therapy

<https://healthimpactnews.com/2022/mask-wearing-has-left-a-generation-of-toddlers-struggling-with-speech-and-social-skills/>

Based on new data, changes are finally taking place:

- Many countries are now treating Covid as endemic – rather than a pandemic – and just the flu.
- Mandates are being removed globally, including in Australia.

In conclusion, people should be able to consider all available information when making decisions about their health, and their children's, especially when deciding whether to take a new injection that has not been fully tested for safety, efficacy and long term effects.

Mandates and directives require a person's consent, an innate right we possess as sovereign beings. No one should be discriminated against based on the choices that person makes to stay well.

## **Motion 7 - Seconded**

### **A Shift from Pandemic to Endemic**

Released by the ABC News. February 2022

<https://www.facebook.com/watch/?v=4901127319968696>

Released by the ABC News in February 2022 – a video titled - A shift from Pandemic to Endemic – the outcome for WA.

Within this 16minute video ABC news described how it was that we should move to an endemic, meaning, it is now in the people and here to stay. We now have to live with it to the best of our ability, to the least impact on each other, our economy and our world.

Many countries have now taken the stand to move to an endemic and drop the mandates surrounding Covid-19, let's explore more of what ABC brought forward.

ABC News mentioned that it will be impossible to eradicate the COVID-19 strains as it will continue to mutate, being zoonotic, just as the Influenza virus does each and every year. Also mentioned that a vaccine is not the best treatment for a virus that is zoonotic. ABC news continued to bring forward the facts that the current strain of Covid has a death rate of 0.00092%, this means that we are

- 6 times more likely to die from HIV, 10 times with Chorlera, 46 times with Tuberculosis, than we are from COVID-19,

Yet no one closed borders, put on masks, asked to prove a vaccine passport, for these other viruses so why are we doing it for a mutated strain which ABC has stated is insignificant in comparison to these other zoonotic viruses already in circulation? We should be asking our state government just where is your proof, because even ABC news is proving you wrong and they are not the only professionals looking into this more deeply.

We have already heard about the problems occurring around the world with adverse reactions to this current vaccine, we need listen to ABC news that mentioned vaccines will not stop a zoonotic virus like COVID and to stop the roll out especially for our children's health and instead move to other safer, more effective treatments for all.



The latest data questions why are we vaccinating healthy children?

(RFK Jr, 30/3/22)

[https://www.redvoicemedia.com/video/2022/03/before-you-inject-your-child-the-real-risk-benefit-analysis-as-summarized-by-rfk-jr/?utm\\_source=in-article-related-1](https://www.redvoicemedia.com/video/2022/03/before-you-inject-your-child-the-real-risk-benefit-analysis-as-summarized-by-rfk-jr/?utm_source=in-article-related-1)

- Children have a 99.995% recovery rate from COVID, with mostly mild symptoms and transmission from children to adults is minimal
- Children's bodies clear COVID much more easily than adults
- Only 12% of children have effective immunity after 7 weeks of receiving the COVID-19 vaccine. The vaccine doesn't last and doesn't keep them safe.
- A common adverse reaction from this vaccine in children is myocarditis. Our children should not be left with heart issues for the rest of their lives, because we thought vaccination was the answer. As an intelligent race we can do better than this.

<https://peckford42.wordpress.com/2021/07/13/10-reasons-why-children-and-young-people-should-not-get-the-covid-vaccines/>

ABC concluded in presenting other options for treatment instead of the current COVID-19 vaccine that can support everyone to keep themselves healthy, such as Paxlovid which has been proven to decrease the severity of COVID-19 symptoms by 89% even after 3 days of symptoms. Another treatment by Merck, has proven to decrease the possibility of hospitalisation and death by 30% and both these medical treatments have been given provisional approval in Australia. So why still the need for vaccines when immune compromised individuals have better options without the adverse reactions from the current COVID-19 vaccine?

**Thanks to ABC news for keeping us up to date, as they prove that this zoonotic virus cannot be answered with a vaccine and that there is no**

**medical or public health case for the mass vaccination of people. It is time to bring forward the true data just as ABC news has done and request our state government to stand responsibly for people of all ages and their health.**

Evening to you all,

Councillors, I have provided you all with a factual data pack, to support this deputation.

The Premier of WA instructed us, that the current mandates are about health and I am here today, because I agree with this statement and wish to share why we can't ignore the science, that is coming forward on a daily basis.

The SEM held last month, held the voices of concerns and anguish of those from our shire, who were and still are impacted negatively from the Premier's choices to follow the global recommendation and implement a vaccine mandate across every individual from the age of 5 and up, with little room for exemptions, regardless of person health history and concerns. We are now heading towards 1 year from the first Covid-19 vaccine rollout in Australia and longer where other countries led the way.

These chosen vaccines for our population were only "provisionally" approved through the TGA in 2021, here in Australia. This means there needs to more research, evidence and safety conditions met, with the opportunity to suspend and recall if necessary, before full approval is given.

There has been opportunity to assess beneficial qualities of the mandated vaccines, as well as their safety in comparison to medical complications that could be associated with them. In your packs, Section 7, QLD Senator Gerrard Rennick, outwardly calling our governments attention to the concerning high numbers of adverse reactions in 2021-2022 for Australia alone, after the vaccine rollout. USA senators stepped forward to bring attention to severe adverse reactions emerging from these MRNA vaccines, before we even rolled out here in Australia.

The vast majority of our country were vaccine hesitant, and with good cause and lawful justification. Some who chose to take the vaccine did so out of concerns for losing their jobs, capacity to provide for their families and concerns for being excluded from society and separated from loved ones. This stood over their concern for health in regards to this new virus. Even though, I agree safety needed to be led with caution, many question was this action to vaccinate the Australian population, lawful?

These current mandates don't follow "legal reason and understanding" as to a law. For example...

The unvaccinated can enter a restaurant with friends, some vaccinated, some unvaccinated, sit and engage, repeatedly purchase food and drinks, go inside to speak to all other patrons and staff and use the bathroom, all day if they wish. Yet, they cannot be employed there.

The reason given is that unvaccinated "may" pose a risk to the health of others. Yet, the exposure of unvaccinated to vaccinated is similar, in this example, whether employee or patron. In fact, one could argue that if the employee was part-time and only worked 4

hours and the patron who stayed 6 hours due to an event, then this case discredits the mandate's lawful stand in safety, which was its original purpose. Instead, another lawful area opens up, one of discrimination to the unvaccinated.

Here in Australia and abroad some have taken and are currently still in trial seeking a Judiciary Review Process in the high or supreme court. For those here today who may not be aware of what a Judiciary Review Process is – it is a right in to request that the Government of Western Australia and Premier, prove if they have the lawful jurisdiction to apply a vaccine mandate and to terminate businesses, employment and education, from those who refuse vaccination, as well as apply recommendation for sporting groups, community groups, social facilities and local event organisers to further exclude on the basis of vaccine status. This is what Port Hedland as a council are doing.

Why would a council choose to risk their reputation or rate payer's money, if they believed there was consideration of due diligence and due cause?

In your packs - Section 8 and 9 brings forward the Judiciary Review Process of those who have already won cases or still in trial currently. SA police officers took a similar stand in trial and the Government of South Australia dropped the mandates for the remaining police officers contesting the jurisdiction to terminate their jobs, on vaccine status. Currently in trial in SA is the Healthcare and education workers following the police officer's stand.

In Section 10 and 11 is the WAPOL case of Ben Falconer, who won his first appearance in the supreme court to prevent the Commissioner of police from terminating his employment on the basis of his vaccination status. The barrister won the case on the basis that "there was no evidence that those who do not receive a vaccination are a threat or are diseased". The judged ruled in favour of Ben Falconer and he won the injunction in regard to the vaccine mandates and proved that there was reasonable ground to extend for the case forward.

When you consider these facts, Port Hedland have a strong case and are ensuring that their due diligence is achieved for their shire. Those who understand law, are not laughing at them, they are standing carefully in observation.

I bring your attention to Section 6 in your packs. The university of California during the years 2019-2020 were funded US\$941million for research alone and from a health service, serves 30,000 patients a year. They conducted research to test people with Delta strain to determine viral load. They found the vaccinated held the same amount of virus in their system as an unvaccinated and the unvaccinated were of NO more threat to others than the vaccinated. The research found that the vaccinated can still be infected with the virus and transmit the virus to others in the same capacity as the unvaccinated.

We followed mandates because it was supposed to keep us all safe, however in light of the science, no one is safe vaccinated or unvaccinated, but the only ones excluded from employment and opportunity to participate in society is the unvaccinated.

I realise that as councillors you are bound by State or Federal legislation or health orders, but what if Mark McGowan and the other Premiers made a mistake? What if they overlooked the science and data that was already coming forward and still presenting?

You as councillors, are the 14<sup>th</sup> council to hear about it. People all over Australia have been turning up to their cities to march about it, people have been making noise about it for over a year now.

I bring your attention to the Elected Member Polices for the Shire of York – as councillors you are accountable to base decisions on relevant, factual information, in principles of good governance and fairness, and be open and represent the community in the district.

This is a matter of health, not just discrimination for people in your district. I respectfully request our council to consider your due diligence, to look at the lawful science and data emerging and recommend that this is not a closed matter, instead one that will need observation and constant risk assessment due to its never before seen nature as to virus and style of MRNA vaccines, as well as increasing adverse reactions.

I also request that council consider the dangerous position, we as a shire were placed in when vaccine status prevented proper functioning of our emergency services. As well as the division our population endured to the unfair exclusion that has no lawful warrant.

Please open a discussion between you all to replace this recommendation and create a fair motion that shows that you have taken due diligence and are representing those being impacted in our shire. Even if prochoice is only a philosophical stand, at this time, it is one that proves we stand for fairness for all here in the shire of York.

Deeply grateful for your time and consideration.

## Information Awareness Sections

- 01 Function of Local Government
  - a. Liberal approach to inalienable, universal rights
  - b. Emergency Powers does not give government powers to implement a national response
    - i. Suspend certain normal functions of government
    - ii. Alert the community to the situation
    - iii. Request they alter their normal behaviours
    - iv. Order government agencies to implement emergency preparedness plans
- 02 Current Covid-19 variant strain – Omicron
  - a. No more serious than the Influenza virus
- 03 Majority of West Australians are calling for mandates to end
  - a. People affected no longer minority
- 04 Discrimination Laws
  - a. Mandates conflict with current discrimination laws
  - b. Quick guide to Australian discrimination laws
- 05 Unvaccinated have been dis-abled in lawful standing
  - a. Deficiency in legal qualifications to hold office
  - b. Impairment of earning capacity, inability to work
- 06 Vaccinated and unvaccinated are the same risk
  - a. Even with Delta strain
    - i. Same viral load
    - ii. No difference between symptomatic and asymptomatic
    - iii. Vaccinated are at same risk from other vaccinated as they are from unvaccinated
- 07 LNP Senator Gerrard Rennick
  - a. High adverse reaction deaths 2021-2022
- 08 SA drops vaccine mandates
  - a. SAPOL challenged validity of vaccine mandates
  - b. 1 week before trial SA State government dropped the vaccine mandates for police officers
- 09 SA State government challenged covid-19 vaccines in court
  - a. Judicial review filed in supreme court
  - b. January 2022
- 10 WAPOL officer wins injunction in regards to vaccine mandates
  - a. Hearing January 2022
  - b. Barrister – no evidence that those who do not receive a vaccination are a threat
- 11 Last minute legal manoeuvres: WA delay trial of Falconer case
  - a. Key witness withdraws
  - b. Evidence as to credibility of WA government's decision to impose vaccine mandates

## FUNCTION OF LOCAL GOVERNMENT

### SUMMARY

- Local government function provides good government to people of district
- “Liberal” approach taken to scope of function of governing people of district
  - Liberal lawfully means:
    - Universal rights, held by everyone
    - Inalienable and exist regardless if recognised or not
    - Preserve life and individual liberty
    - Economic/social rights and aspirations
    - Role of fulfilling and protecting human rights, not limited to protecting life and property
    - Doesn’t interfere with privacy of people
    - Freedom to work and be educated in any way they see fit.
- Emergency powers – No single ‘emergency’ law in Australia gives one government all the power to formulate and implement a national response.

### DETAILS

#### Western Australia Local Government Act

#### Western Australian Local Government Act 1995

#### Part 3 Division 1 General –

- That the function of a Local Government is to provide for the good government of people in its district. Part 3 Division 1 s3.1 (1), (2),
- That a liberal approach is to be taken to the construction of the scope of the general function of a local government. Part 3 Division 1 s(3)

(Liberal in government legal sense meaning: “rights are universal, held by everyone, inalienable and exist regardless if recognised or not,” “preserve life and individual liberty”, economic/social rights and aspirations” and “role in fulfilling and protecting human rights not limited to protecting life and property”, doesn’t interfere with privacy of people” and “freedom to work and be educated in any way they see fit”.)

#### Part 3 Division 2 – Legislation functions of Local Governments s3.5 (1)

Local Government is able to make local laws that only apply within our shire

S(4B) That nothing in the Health Act 1911 or the Public Health Act 2016 prevents a local government from making local laws under WALG Act about matters relating to public health.

<https://justiceconnect.org.au/resources/how-do-emergency-powers-work-across-australia/>

How do emergency powers work across Australia? Last updated on the 20<sup>th</sup> December 2021

## **What are emergency powers?**

During extreme situations, a 'State of Emergency' may be declared to facilitate the high-level coordinated response required at that time. A State of Emergency is a government declaration that may:

- suspend certain normal functions of government;
- alert the community to the situation and request they alter their normal behaviours;
- order government agencies to implement emergency preparedness plans.

There is no single 'emergency' law in Australia which gives one government all the power to formulate and implement a national response. However, the Federal Government has powers and functions in various Federal laws which may be exercised during States of Emergency to assist the States and Territories in responding to and managing the emergency.



## CURRENT COVID-19 VARIANT - OMNICON

### SUMMARY

- Omnicron is the most infectious of all ~~strains~~ strains
- Least hospitalised health risk.
- Considered to be the reason for more than half of all COVID infections.
- No more serious than the Influenza virus we are all used to.
- All can be employed to be considered safe.
- All can socialise and be considered safe.

### DETAILS

## BA.2 omicron COVID subvariant: These are the most common symptoms

Updated: Apr. 02, 2022, 9:38 a.m. | Published: Apr. 02, 2022, 9:36 a.m.

A resident lifts her mask for a swab during a COVID-19 test at a residential community under lock down in Shanghai, China, Wednesday, March 30, 2022. COVID subvariant BA.2 is now causing the majority of cases around the world and in the U.S.AP

By Leada Gore | [lgore@al.com](mailto:lgore@al.com)

BA.2, the omicron subvariant blamed for an uptick in COVID cases in parts of the world, is now the dominant strain in the U.S., according to the Centers for Disease Control.

BA.2 is causing more than half of all COVID infections in the country, perhaps as much as 59%, the health agency said. The hardest-hit region was the Northeast, where BA.2 is blamed for more than 70% of all cases, CNN reported. The South and Mountain West saw the fewest cases attributed to BA.2.

Note to readers: if you purchase something through one of our affiliate links we may earn a commission.

<https://www.mlive.com/news/2022/04/ba2-omicron-covid-subvariant-these-are-the-most-common-symptoms.html>

## MAJORITY OF WEST AUSTRALIAN'S CALLING FOR MANDATES TO END

### SUMMARY

West Australian's SEEKING SUPPORT TO DROP the State Government's directives are now MAJORITY. Polls show:

- 29 % want mandatory vaccine rule to end
- 42% want the mandatory vaccine rule to end as cases drop
- Only 29% want to keep mandate rules.

### DETAILS

Western Australians finally LOSE IT with Covid zealot Mark McGowan (msn.com)

Almost a third of West Australians want the state's strict Covid restrictions dropped immediately as new cases fall.

Mark McGowan's harsh rules, which included shutting out the rest of the country for nearly 18 months, are tiring residents according to a new poll.

The People's Voice Poll found 29 per cent of Western Australians want vaccine mandates to end, and 30 per cent want to do away with masks forever.



© A.H. Phelps via Getty Images

© Provided by Daily Mail Almost a third of West Australians want the state's strict Covid restrictions dropped immediately, including vaccine and mask mandates

The state recorded 6,439 more infections on Sunday, the fourth consecutive day new cases fell, with calls to change the lasting restrictions growing louder.

The survey by Painted Dog Research asked 1,151 WA residents a variety of Covid-related questions, including the divisive mask requirements.

Only WA and South Australia have indoor mask mandates, which are delaying return to offices. SA will drop the requirement on April 14.

Unmute

About 30 per cent of those polled want mask rules dropped immediately, and 64 per cent want them to remain temporarily but have the chance to be removed if cases continue to fall.

© Provided by Daily MailMark McGowan's hardline approach to the virus is tiring residents according to a poll, with large portions of the state wanting rules removed

Capacity limits had similar results, with 35 per cent demanding those rules scrapped immediately, and 58 per cent wanting them eased as cases drop.

The state's vaccine mandate for certain industries cover more than a million residents, and had the starkest split among the questions.

It found 29 per cent of Western Australians want the mandatory jab rule removed immediately, and 42 per cent want it phased out as cases drop.

However, 29 per cent want the vaccine rules to remain forever, in fear of the virus continuing to mutate and spread.

Mr McGowan is yet to give a timeframe for when the rules may change.

## DISCRIMINATION LAWS

### SUMMARY

- Reflects current discrimination legislation
- There is no specific law requiring a person to be vaccinated
- Doing so may breach federal discrimination law
- COVID-19 vaccination is voluntary for most Australians
  - Voluntary in lawful definition is:
    - Free; without compulsion or solicitation.
    - Without consideration.
    - Of the free will and inclination of the doer.
    - Without any previous request or promise of reward made by him who is the object of the courtesy: from which the law will not imply a promise of remuneration.

### DETAILS

<https://humanrights.gov.au/about/covid19-and-human-rights/covid-19-vaccinations-and-federal-discrimination-law>

# COVID-19 vaccinations and federal discrimination law

Rights and Freedoms

## Commission guidance

This page provides general information on COVID-19 vaccinations and federal discrimination law and is intended as a guide only. It gives guidance on the most frequently asked questions that we are getting on this subject.

The information reflects current discrimination legislation, applicable judicial decisions, and guidance issued by government agencies. While precautions have been taken to ensure that this information is accurate, it must be acknowledged that this is a rapidly evolving space, and changes to legislation or case law can only be reflected in updates from time to time. This guidance is not a substitute for independent legal advice.

As outlined below, each state and territory in Australia also has discrimination legislation, which may apply in different ways. People must comply with both federal and state/territory law.

The [Fair Work Ombudsman](#) and [Safe Work Australia](#) have provided specific guidance about workplace rights and obligations in the context of the COVID-19 pandemic under employment law and work health and safety law. Employers and staff should read this page in conjunction with those guidelines.

## Summary

If there is no specific law requiring a person to be vaccinated, individuals, businesses and service providers are encouraged to obtain legal advice about their own specific circumstances, and to carefully consider the position of vulnerable groups in the community before imposing any blanket COVID-19 vaccination policies or conditions. These may have unintended consequences, particularly for some people with disability, and may also breach federal discrimination law.

## Are COVID-19 vaccinations voluntary?

The Australian Government's policy is that COVID-19 vaccinations are voluntary for most Australians, although its aim is to have as many people as possible choose to be vaccinated.

However, since vaccines became available, all states and territories have issued public health orders mandating vaccination for certain industries or workers, including residential aged care workers, health care workers, education and care providers and airport workers.

For a full list of industries or workers required to have the vaccine in your relevant state or territory, please visit:

- [Australian Capital Territory](#)
- [Northern Territory](#)
- [New South Wales](#)
- [Queensland](#)
- [South Australia](#)
- [Tasmania](#)
- [Victoria](#)
- [Western Australia](#)

There are exemptions available for workers in particular industries who have a medical reason for not receiving the COVID-19 vaccine. Please refer to your relevant state or territory authorities for more information on where exemptions apply.

[Show All](#)

- [Can it be unlawful discrimination for an employer to require that its employees be vaccinated?](#)

If there is no specific law requiring that a person be vaccinated, employers should be cautious about imposing mandatory COVID-19 vaccination policies or conditions on staff. The need for vaccination should be assessed on a case-by-case basis, taking into account the nature of the workplace and the individual circumstances of each employee.

There are medical reasons why some people may not be able to receive a COVID-19 vaccination, or may choose not to in their circumstances, including because of protected attributes such as pregnancy or disability. Additionally, at present, many younger Australians have not been eligible for certain COVID-19 vaccinations at all, or for shorter periods of time than older Australians.

The *Sex Discrimination Act 1984* (Cth) (SDA), the *Disability Discrimination Act 1992* (Cth) (DDA) and the *Age Discrimination Act 2004* (Cth) (ADA) make it unlawful to discriminate on the grounds of pregnancy, disability and age in many areas of public life, including in employment. 'Disability' is broadly defined in the DDA and includes past, present and future disabilities, as well as imputed disabilities.

A strict rule or condition that mandates COVID-19 vaccinations for all staff, including people with certain disabilities, medical conditions or who are pregnant, may engage the 'indirect discrimination' provisions in the SDA, the DDA and the ADA.

### **Indirect discrimination and reasonableness**

In broad terms, indirect discrimination occurs when a person is required to comply with a general requirement or condition (such as mandatory COVID-19 vaccinations), and they are unable to do so because of a protected attribute, for example because of their disability, and it has the effect of disadvantaging them.

Under the SDA, the DDA, and the ADA indirect discrimination may occur if an employer requires, or proposes to require, that a person comply with a general requirement or condition.

This means that an employer does not need to seek to enforce a mandatory COVID-19 vaccination policy (for example, by way of termination, suspension, or performance management) to engage in unlawful discrimination. It is a defence to a claim of indirect discrimination if the condition or requirement is shown to be 'reasonable' in the circumstances of the case.

Whether a court considers it 'reasonable' for an employer to mandate COVID-19 vaccinations is likely to be highly fact dependent, considering the workplace and the employee's individual circumstances. It may consider information such as:

- The existence and scope of any relevant public health orders.
- Health and safety issues and the reasons advanced in favour of the mandatory COVID-19 vaccine requirement.
- Issues relating to an employee's disability or medical condition.
- The nature and extent of the disadvantage resulting from the imposition or proposed imposition of the mandatory COVID-19 vaccine requirement.
- The feasibility of overcoming or mitigating any disadvantage to the employee by the mandatory COVID-19 vaccine requirement.
- Whether the disadvantage to the employee is proportionate to the result sought by the employer.
- The nature of the work performed by the employee.
- Whether the employee has close contact with people who are most vulnerable to severe COVID-19 health impacts. For example, people working in aged care, disability care, health care, people over 60 or people with respiratory conditions.
- Whether the employee interacts with people with an elevated risk of being infected with COVID-19. For example, medical professionals, flight crew, border control or hotel quarantine workers.
- The incidence, severity and distribution of COVID-19 in the areas where the work is undertaken.
- The availability of the vaccine.
- Advice from medical and work health and safety bodies such as the Australian Health Protection Principal Committee and Safe Work Australia about COVID-19 and COVID-19 vaccinations at the relevant times, including duties owed by employers to staff and customers under work health and safety laws.

- Whether there are any alternative methods that might reasonably achieve the employer's objective without recourse to the mandatory COVID-19 vaccine requirement, such as:
  - testing regimes
  - remote work
  - physical distancing
  - personal protective equipment.

The SDA, the DDA, the ADA explicitly place the burden of proving 'reasonableness' on the person who requires compliance with the requirement or condition — in this case, the employer.

### **The duty to provide reasonable adjustments**

The DDA also creates an explicit duty to make 'reasonable adjustments' for people with disability, including at work. Depending on the circumstances of the case, a 'reasonable adjustment' may include exempting workers with disabilities, who have a medical reason for not being vaccinated, from a general rule requiring COVID-19 vaccination. Employers are not required to make adjustments for people with disability if the adjustments would impose an unjustifiable hardship on them. Unjustifiable hardship is a high test, and it recognises that some hardship on businesses and employers may be needed and justifiable to reduce discrimination against people with disability.

### **What about 'the inherent requirements' of a role and other exemptions?**

In responding to a complaint of disability discrimination, an employer may seek to rely upon the defence of 'the inherent requirements' of the role. Under the DDA, it is lawful for an employer to discriminate against a person on the ground of the person's disability if the person is unable to carry out the 'inherent requirements' of a particular job or would, in order to do so, require services or facilities that would impose an 'unjustifiable hardship' on the employer.

Depending on the circumstances of the case, it might be an 'inherent requirement' of a particular role that a person be vaccinated against COVID-19.

An employer may also seek to rely upon the 'infectious diseases' exemption in s 48 of the DDA. This provides that it is not unlawful to discriminate against a person if their disability is an infectious disease — or arguably the potential to acquire an infectious disease — and such discrimination is 'reasonably necessary' to protect public health.

In considering the term 'reasonably necessary', it is not likely to be sufficient that a discriminatory condition or policy is merely helpful, desirable or convenient in protecting public health.

- Can it be unlawful discrimination for an employer to require that its employees attend a particular workplace?
- Can it be unlawful discrimination for a business or service provider to refuse to provide goods, services or facilities to people who are not vaccinated?
- Can it be unlawful discrimination for an employer to require that its employees be vaccinated if it goes against their religious beliefs?
- Can it be unlawful discrimination for an employer/ business owner/ service provider to require medical evidence as to why an employee or customer cannot be vaccinated?
- How might the 'infectious diseases' exemption in section 48 of the Disability Discrimination Act apply?

## **State and territory discrimination legislation**

In addition to federal discrimination legislation, each state and territory in Australia has equal opportunity and discrimination legislation and agencies with statutory responsibilities.

Federal laws and the state/territory laws generally overlap. However, the laws apply in different ways and people must comply with all legislation.

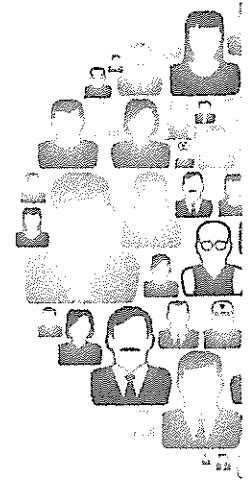
For more information on state/territory laws, please seek legal advice or contact your local state or territory human rights, equal opportunity or anti-discrimination agency.

- [Australian Capital Territory](#)
- [Northern Territory](#)
- [New South Wales](#)
- [Queensland](#)
- [South Australia](#)
- [Tasmania](#)
- [Victoria](#)
- [Western Australia](#)





Australian  
Human Rights  
Commission



# A quick guide to Australian discrimination laws

Over the past 30 years the Commonwealth Government and the state and territory governments have introduced laws to help protect people from discrimination and harassment.

The following laws operate at a federal level and the Australian Human Rights Commission has statutory responsibilities under them:

- *Age Discrimination Act 2004*
- *Australian Human Rights Commission Act 1986*
- *Disability Discrimination Act 1992*
- *Racial Discrimination Act 1975*
- *Sex Discrimination Act 1984.*

The following laws operate at a state and territory level, with state and territory equal opportunity and anti-discrimination agencies having statutory responsibilities under them:

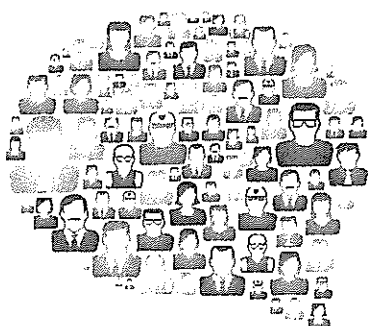
- Australian Capital Territory – *Discrimination Act 1991*
- New South Wales – *Anti-Discrimination Act 1977*
- Northern Territory – *Anti-Discrimination Act 1996*
- Queensland – *Anti-Discrimination Act 1991*
- South Australia – *Equal Opportunity Act 1984*
- Tasmania – *Anti-Discrimination Act 1998*
- Victoria – *Equal Opportunity Act 2010*
- Western Australia – *Equal Opportunity Act 1984.*

Commonwealth laws and the state/territory laws generally overlap and prohibit the same type of discrimination. As both state/territory laws and Commonwealth laws apply, you must comply with both. Unfortunately, the laws apply in slightly different ways and there are some gaps in the protection that is offered between different states and territories and at a Commonwealth level. To work out your obligations you will need to check the Commonwealth legislation and the state or territory legislation in each state in which you operate.

You will also need to check the exemptions and exceptions in both the Commonwealth and state/territory legislation as an exemption or exception under one Act will not mean you are exempt under the other.

For example, see the attached schedule of coverage.

See the tables below for detailed information on each federal, state and territory Act.



**Good practice, good business**  
[humanrights.gov.au/employers](http://humanrights.gov.au/employers)



## Federal laws

Legislation and grounds of discrimination		Areas covered
<p><i>Australian Human Rights Commission Act 1986</i></p> <p>Discrimination on the basis of race, colour, sex, religion, political opinion, national extraction, social origin, age, medical record, criminal record, marital or relationship status, impairment, mental, intellectual or psychiatric disability, physical disability, nationality, sexual orientation, and trade union activity.</p> <p>Also covers discrimination on the basis of the imputation of one of the above grounds.</p>		Discrimination in employment or occupation.
<p><i>Age Discrimination Act 2004</i></p> <p>Discrimination on the basis of age – protects both younger and older Australians.</p> <p>Also includes discrimination on the basis of age-specific characteristics or characteristics that are generally imputed to a person of a particular age.</p>		Discrimination in employment, education, access to premises, provision of goods, services and facilities, accommodation, disposal of land, administration of Commonwealth laws and programs, and requests for information.
<p><i>Disability Discrimination Act 1992</i></p> <p>Discrimination on the basis of physical, intellectual, psychiatric, sensory, neurological or learning disability, physical disfigurement, disorder, illness or disease that affects thought processes, perception of reality, emotions or judgement, or results in disturbed behaviour, and presence in body of organisms causing or capable of causing disease or illness (eg. HIV virus).</p> <p>Also covers discrimination involving harassment in employment, education or the provision of goods and services.</p>		Discrimination in employment, education, access to premises, provision of goods, services and facilities, accommodation, disposal of land, activities of clubs, sport, and administration of Commonwealth laws and programs.

## Legislation and grounds of discrimination

## Areas covered

### *Racial Discrimination Act 1975*

Discrimination on the basis of race, colour, descent or national or ethnic origin, and in some circumstances, immigrant status.

Racial hatred, defined as a public act/s likely to offend, insult, humiliate or intimidate on the basis of race, is also prohibited under this Act unless an exemption applies.

Discrimination in all areas of public life including employment, provision of goods and services, right to join trade unions, access to places and facilities, land, housing and other accommodation, and advertisements.

### *Sex Discrimination Act 1984*

Discrimination on the basis of sex, marital or relationship status, pregnancy or potential pregnancy, breastfeeding, family responsibilities, sexual orientation, gender identity, and intersex status.

Sexual harassment is also prohibited under this Act.

Discrimination in employment, including discrimination against commission agents and contract workers, partnerships, qualifying bodies, registered organisations, employment agencies, education, provision of goods, services and facilities, accommodation, disposal of land, clubs, administration of Commonwealth laws and programs, and superannuation.

### *Fair Work Act 2009*

Discrimination on the basis of race, colour, sex, sexual orientation, age, physical or mental disability, marital status, family or carer's responsibilities, pregnancy, religion, political opinion, national extraction, and social origin.

Discrimination, via adverse action, in employment including dismissing an employee, not giving an employee legal entitlements such as pay or leave, changing an employee's job to their disadvantage, treating a potential employee differently than others, not hiring someone, or offering a potential employee different (and unfair) terms and conditions for the job compared to other employees.

# AGREEMENT

## 1. AGREEMENT TO EMPLOY AND BE EMPLOYED

Employer hereby employs employee as \_\_\_\_\_ at \_\_\_\_\_ above-mentioned premises, and employee hereby accepts and agrees to the terms and conditions of employment.

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## State and territory laws

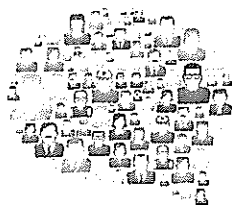
Legislation and grounds of discrimination	Areas covered
<p><b>Australian Capital Territory: <i>Discrimination Act 1991</i> (ACT)</b></p> <p>Discrimination on the basis of sex, sexuality, gender identity, relationship status, status as a parent or carer, pregnancy, breastfeeding, race, religious or political conviction, disability, including aid of assistance animal, industrial activity, age, profession, trade, occupation or calling, spent conviction, and association (as a relative or otherwise) with a person who has one of the above attributes.</p> <p>Sexual harassment and vilification on the basis of race, sexuality, gender identity or HIV/AIDS status are also prohibited under this Act.</p>	<p>Discrimination in employment, including discrimination against commission agents and contract workers, partnerships, professional or trade organisations, qualifying bodies, employment agencies, education, access to premises, provision of goods, services or facilities, accommodation, clubs, and requests for information.</p>
<p><b>New South Wales: <i>Anti-Discrimination Act 1977</i> (NSW)</b></p> <p>Discrimination on the basis of race, including colour, nationality, descent and ethnic, ethno-religious or national origin, sex, including pregnancy and breastfeeding, marital or domestic status, disability, homosexuality, age, transgender status, and carer's responsibilities.</p> <p>Sexual harassment and vilification on the basis of race, homosexuality, transgender status or HIV/AIDS status are also prohibited under this Act.</p>	<p>Discrimination in employment, including discrimination against commission agents and contract workers, partnerships, industrial organisations, qualifying bodies, employment agencies, education, provision of goods and services, accommodation, and registered clubs.</p>
<p><b>Northern Territory: <i>Anti-Discrimination Act 1996</i> (NT)</b></p> <p>Discrimination on the basis of race, sex, sexuality, age, marital status, pregnancy, parenthood, breastfeeding, impairment, trade union or employer association activity, religious belief or activity, irrelevant criminal record, political opinion, affiliation or activity, irrelevant medical record, and association with person with an above attribute.</p> <p>Sexual harassment is also prohibited under this Act.</p>	<p>Discrimination in education, work, accommodation, provision of goods, services and facilities, clubs, insurance, and superannuation.</p>



Good practice, good business  
[humanrights.gov.au/employers](http://humanrights.gov.au/employers)



Legislation and grounds of discrimination	Areas covered
<p><b>Queensland: <i>Anti-Discrimination Act 1991</i> (QLD)</b></p> <p>Discrimination on the basis of sex, relationship status, pregnancy, parental status, breastfeeding, race, age, impairment, religious belief or religious activity, political belief or activity, trade union activity, lawful sexual activity, gender identity, sexuality, family responsibilities, and association with or in relation to a person who has any of the above attributes.</p> <p>Sexual harassment and vilification on the basis of race, religion, sexuality or gender identity are also prohibited under this Act.</p>	<p>Discrimination in work and work-related areas (paid and unpaid), education, provision of goods and services, superannuation and insurance, disposal of land, accommodation, club membership and affairs, administration of state laws and programs, local government, qualifications, industrial, trade, professional or business organisation membership, and existing partnership and in pre-partnership.</p>
<p><b>South Australia: <i>Equal Opportunity Act 1984</i> (SA)</b></p> <p>Discrimination on the basis of sex, breastfeeding, including bottle feeding, chosen gender, sexuality, marital or domestic partnership status, pregnancy, race, age, disability, including aid of assistance animal, association with a child, caring responsibilities, religious appearance or dress, and spouse or partner's identity.</p> <p>Sexual harassment is also prohibited under this Act.</p>	<p>Discrimination in employment, partnerships, clubs and associations, qualifying bodies, education, provision of goods and services, accommodation, sale of land, advertising (including employment agencies), conferral of qualifications, and superannuation.</p>
<p><b>Tasmania: <i>Anti-Discrimination Act 1998</i> (TAS)</b></p> <p>Discrimination on the basis of age, breastfeeding, disability, family responsibilities, gender, gender identity, intersex status, industrial activity, irrelevant criminal record, irrelevant medical record, lawful sexual activity, marital status, relationship status, parental status, political activity, political belief or affiliation, pregnancy, race, religious activity, religious belief or affiliation, sexual orientation, and association with a person who has, or is believed to have, any of these attributes.</p> <p>Sexual harassment and the incitement of hatred on the basis of race, disability, sexual orientation, lawful sexual activity, or religious belief, affiliation or activity are also prohibited under this Act.</p>	<p>Discrimination in employment (paid and unpaid), education and training, provision of facilities, goods and services, accommodation, membership and activities of clubs, administration of any law of the State or any State program, and awards, enterprise agreements and industrial agreements.</p>



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Legislation and grounds of discrimination	Areas covered
<p><b>Victoria: <i>Equal Opportunity Act 2010</i> (VIC)</b></p> <p>Discrimination on the basis of age, breastfeeding, disability, employment activity, gender identity, industrial activity, lawful sexual activity, marital status, parental status or status as a carer, physical features, political belief or activity, pregnancy, race (including colour, nationality, ethnicity and ethnic origin), religious belief or activity, sex, sexual orientation, and personal association with someone who has, or is assumed to have, any of these personal characteristics.</p> <p>Sexual harassment is also prohibited under this Act.</p> <p><b>Victoria: <i>Racial and Religious Tolerance Act 2001</i> (VIC)</b></p> <p>Vilification on the basis of race or religion is prohibited under this Act.</p>	<p>Discrimination in employment, partnerships, firms, qualifying bodies, industrial organisations, education, provision of goods and services, disposal of land, accommodation (including alteration of accommodation), clubs, sport, and local government.</p>
<p><b>Western Australia: <i>Equal Opportunity Act 1984</i> (WA)</b></p> <p>Discrimination on the basis of sex, sexual orientation (including by association), marital status, pregnancy, breastfeeding, race, religious or political conviction, age (including by association), impairment (including by association), family responsibility or family status, gender history, and publication of relevant details on Fines Enforcement Registrar's website.</p> <p>Sexual harassment and racial harassment are also prohibited under this Act.</p> <p><b>Western Australia: <i>Spent Convictions Act 1988</i> (WA)</b></p> <p>Discrimination on the basis of having a spent conviction is prohibited under this Act.</p>	<p>Discrimination in employment, including against applicants, commission agents and contract workers, partnerships, professional or trade organisations, qualifying bodies, employment agencies, application forms, advertisements, education, access to places and vehicles, provision of goods, services and facilities, accommodation, clubs, and land.</p>

## Further information

### Australian Human Rights Commission

Level 3, 175 Pitt Street  
SYDNEY NSW 2000

GPO Box 5218  
SYDNEY NSW 2001

Telephone: (02) 9284 9600  
National Information Service: 1300 656 419  
TTY: 1800 620 241

Email: [infoservice@humanrights.gov.au](mailto:infoservice@humanrights.gov.au)  
Website: [www.humanrights.gov.au/employers](http://www.humanrights.gov.au/employers)



These documents provide general information only on the subject matter covered. It is not intended, nor should it be relied on, as a substitute for legal or other professional advice. If required, it is recommended that the reader obtain independent legal advice. The information contained in these documents may be amended from time to time.

Revised November 2014.

## UNVACCINATED HAVE BEEN DIS-ABLED IN LAWFUL STANDING

### SUMMARY

- Not being vaccinated has created a disability
  - The absence of legal capability to perform an act
  - Incapacity to exercise all the legal rights ordinarily possessed by an average person.
  - Incompetents regarded under disability
  - Deficiency in legal qualifications to hold office
    - Office – right to exercise public function or employment
  - Impairment of earning capacity; the inability to work

### DETAILS

#### Disability

*The lack of competent physical and mental faculties; the absence of legal capability to perform an act. The term disability usually signifies an incapacity to exercise all the legal rights ordinarily possessed by an average person. Convicts, minors, and incompetents are regarded to be under a disability. The term is also used in a more restricted sense when it indicates a hindrance to marriage or a deficiency in legal qualifications to hold office.*

*The impairment of earning capacity; the loss of physical function resulting in diminished efficiency; the inability to work.*

In the context of Workers' Compensation statutes, disability consists of an actual incapacity to perform tasks within the course of employment, with resulting wage loss, in addition to physical impairment that might, or might not, be incapacitating.

Under federal law, the definition of a disability, for Social Security benefits purposes, requires the existence of a medically ascertainable physical or mental impairment that can be expected to result in death or endures for a stated period, and an inability to engage in any substantial gainful activity due to the impairment.

<https://legal-dictionary.thefreedictionary.com/office>

## Office

Also found in: Dictionary, Thesaurus, Medical, Financial, Acronyms, Idioms, Encyclopedia, Wikipedia.

OFFICE. An office is a right to exercise a public function or employment, and to take the fees and emoluments belonging to it. Shelf. on Mortm. 797; Cruise, Dig. Index, h.t.; 3 Serg. & R. 149.

2. Offices may be classed into civil and military.

3.-1. Civil offices may be classed into political, judicial, and ministerial.

4.-1. The political offices are such as are not connected immediately with the administration of justice, or the execution of the mandates of a superior officer; the office of the president of the United States, of the heads of departments, of the members of the legislature, are of this number.

5.-2. The judicial offices are those which relate to the administration of justice, and which must be exercised by persons of sufficient skill and experience in the duties which appertain to them.

6.-3. Ministerial offices are those which give the officer no power to judge of the matter to be done, and require him to obey the mandates of a superior. 7 Mass. 280. See 5 Wend. 170; 10 Wend. 514; 8 Vern. 512; Breese, 280. It is a general rule, that a judicial office cannot be exercised by deputy, while a ministerial may.

7. In the United States, the tenure of office never extends beyond good behaviour. In England, offices are public or private. The former affect the people generally, the latter are such as concern particular districts, belonging to private individuals. In the United States, all offices, according to the above definition, are public; but in another sense, employments of a private nature are also called offices; for example, the office of president of a bank, the office of director of a corporation. For the incompatibility of office, see Incompatibility; 4 S. & R. 277; 4 Inst. 100; Com. Dig. h.t., B. 7; and vide, generally, 3 Kent, Com. 362; Cruise, Dig. tit. 25; Ham. N. P. 283; 16 Vin. Ab. 101; Ayliffe's Parerg. 395; Poth. Traite des Choses, Sec. 2; Amer. Dig. h.t.; 17 S. & R. 219.

8.-2. Military offices consist of such as are granted to soldiers or naval officers.

9. The room in which the business of an officer is transacted is also called an office, as the land office. Vide Officer.

OFFICE, INQUEST OF. An examination into a matter by an officer in virtue of his office. Vide Inquisition.



VACCINATED AND UNVACCINATED ARE AT THE SAME RISK AND CAN INFECT OTHERS EQUALLY.

To follow state government's recommendation to exclude unvaccinated people from employment, hospital, facilities, events and alike should be questioned.

## SUMMARY

- Tested people with Delta variant, most deadly strain
- Found no significant difference in viral load between vaccinated and unvaccinated.
- It also found no significant difference between infected people with or without symptoms.
- New study shows that vaccinated can be carrying similar amounts of virus and could potentially spread the virus to other people.
- You should not assume that because you are vaccinated you cannot get infected or transmit the disease to others.

## DETAILS

### **Quick facts about University of California**

UC Davis received \$941 million in research funding in 2019-2020

UC Davis Health serves 30,000 patients a year and handles nearly 1 million visits

50% of our undergraduate students conduct research and creative projects beyond the classroom

## **Viral Loads Similar Between Vaccinated and Unvaccinated People**

### **Survey Underscores Importance of Masks and Testing Along With Vaccines**

- by Andy Fell
- October 04, 2021



A new study from the University of California, Davis, Genome Center, UC San Francisco and the Chan Zuckerberg Biohub shows no significant difference in viral load between vaccinated and unvaccinated people who tested positive for the delta variant of SARS-CoV-2. It also found no significant difference between infected people with or without symptoms.

The findings underscore the continuing need for masking and regular testing alongside vaccination, especially in areas of high prevalence, the authors wrote. The study is currently available online as a preprint from MedRxiv.

“Our study adds to existing data about levels of virus in vaccine breakthroughs in two settings of high ongoing community prevalence of the delta variant,” said Professor Richard Michelmore, director of the UC Davis Genome Center.

The study was conducted with positive samples from asymptomatic testing at UC Davis for Healthy Yolo Together and at the Unidos en Salud walk-up testing site in the Mission District of San Francisco.

The researchers looked at 869 positive samples, 500 from Healthy Yolo Together and 369 from Unidos en Salud. All the Healthy Yolo Together samples were from people who were asymptomatic at the time of positive test result, and three-quarters were from unvaccinated individuals. The Unidos en Salud samples included both asymptomatic and symptomatic cases. Just over half (198) of the Unidos en Salud samples were unvaccinated.

## Wide variations in viral load

When they analyzed the data, the researchers found wide variations in viral load within both vaccinated and unvaccinated groups, but not between them. There was no significant difference in viral load between vaccinated and unvaccinated, or between asymptomatic and symptomatic groups.

Vaccines have been shown to be highly effective in preventing severe disease, hospitalization and death from COVID-19. For example, as of mid-September, 41 out of 49 patients hospitalized with COVID-19 at UC Davis Medical Center in Sacramento were unvaccinated.

Breakthrough infections where vaccinated people do become sick can occur, especially in areas where virus prevalence is high.

Although vaccinated people with a breakthrough infection are much less likely to become severely ill than unvaccinated, the new study shows that they can be carrying similar amounts of virus and could potentially spread the virus to other people. This study did not directly address how easily vaccinated people can get infected with SARS-CoV-2, or how readily someone with a breakthrough infection can transmit the virus.

“Our study does not provide information on infectiousness,” Michelmore said. “Transmission will be influenced by several factors, not just vaccination status and viral load.”

Those factors could include, for example, when they were vaccinated and with what vaccine, the underlying status of their immune system, and the intensity of exposure.

It’s very important to get vaccinated, Michelmore said, because vaccines greatly reduce the risk of severe disease, but you should not assume that because you are vaccinated you cannot get infected or transmit the disease to others. Mask-wearing and regular testing remain important, especially in areas of high prevalence.

Since fall 2020, the UC Davis Genome Center has been offering asymptomatic COVID-19 testing for students and employees, for residents of the city of Davis, and now for other residents of Yolo County through Healthy Davis Together and Healthy Yolo Together. As of Sept. 30, 2021, the center had run over 900,000 tests.

Unidos en Salud is a partnership between UCSF, the CZ Biohub, UC Berkeley, the Latino Task Force (a community organization) and the San Francisco Department of Public Health.

Additional authors on the preprint are: at UC Davis, Charlotte Acharya, David Coil, Leslie Solis and Elizabeth Georgian; John Schrom, Carina Marquez, Susana Rojas, Genay Pilarowski and Diane Havlir, Unidos en Salud; Anthea Mitchell, Chung Yu Wang and Joe DeRisi, CZ Biohub; and Jamin Liu, Joint UCB/UCSF Bioengineering Program. The data used in the study was generated by large teams totaling over 57 people, listed in a supplementary table.

The work was supported by the Chan Zuckerberg Biohub, Healthy Yolo Together, UCSF, the Chan Zuckerberg Initiative and UC Davis.

## Media Resources

[Read the preprint here](#)

### Media Contacts:

- Richard Micheltmore, Genome Center, [rwmiceltmore@ucdavis.edu](mailto:rwmiceltmore@ucdavis.edu)
- David Coil, Genome Center, [dcoil@ucdavis.edu](mailto:dcoil@ucdavis.edu)
- Andy Fell, News and Media Relations, 530-304-8888, [ahfell@ucdavis.edu](mailto:ahfell@ucdavis.edu)

## LNP SENATOR GERARD RENNICK - GOVERNMENT OFFICIAL PAGE

### SUMMARY

- Deaths provisionally released for year 2021
- Strong evidence that vaccines have caused thousands of excess deaths
- Dispute premiers choice to lockdown and vaccinate to keep safe
- Message to corporations that mandates are potentially killing people
- Data shows that:
  - by April 2021 only 204 deaths more than April 2020
  - after vaccine roll out increased to 8,706 from May 2021-Dec 2021
  - deaths increased despite of lockdowns
  - deaths could not be Covid-19 as only 1300 people dies from Covid in 2021
  - 8,000 deaths in 2021 cannot be contributed to Covid-19 or population growth
  - 15,805 deaths in January 2022, only 1139 were contributed to deaths from Covid-19

### DETAILS

#### Deaths including coroner deaths... - Senator Gerard Rennick | Facebook

Deaths including coroner deaths have been provisionally released for the year 2021. They provide very strong evidence that the vaccines have caused thousands of excess deaths.

These figures should be a wakeup call to Premiers who for the last two years have been justifying lockdowns and mandates in the name of keeping us safe when in fact they have caused increased deaths. Not to mention an enormous number of vaccine injuries, mental health issues, job losses and destruction of civil liberties.

It should send a message to corporations that their mandates are potentially killing people as well. Another reason why they need to end now.

If you look at the month by month data you will see that by April 2021 there is only 204 more deaths than April 2020. This increase could be explained by the nation wide lockdown in early April 2020 that would have resulted in fewer deaths.

However, after April 2021 deaths increased dramatically resulting in an extra 8,706 deaths by year end.

This is significant because the vaccine rollout started to step up after April.

It should be noted that deaths increased despite negligible population growth and the fact the both NSW and Victoria were locked down for months in 2021. While Victoria was also locked down in 2020, NSW wasn't. Historically lockdowns generally result in fewer deaths as we saw in 2020 so we should have seen fewer deaths in 2021 because of the extended NSW lockdown.

The increase in deaths of 8,706 cannot be attributed to Covid as there were only around 1,300 deaths from/with Covid in 2021.

Furthermore it should be noted there were 900 odd Covid deaths in 2020 so of the 8,706 increase only 400 could be attributed to higher deaths from Covid.

It should also be noted that other respiratory related deaths are lower so overall respiratory related disease haven't increased significantly.

Even so, assuming all the Covid deaths were excess deaths, that leaves more than 8,000 deaths in 2021 that can't be attributed to Covid or population growth.

January 2022 hasn't started any better with 15,805 deaths, 2,443 higher than the 13,362 recorded in January 2021. There were 1,139 recorded Covid deaths in January 2022. Again assuming these were all excess deaths (which they weren't) that leaves another 1,304 other excess deaths that are quite possibly explained by the vaccine rollout.

It's important to restate the fact that a high number of Covid deaths had underlying chronic conditions but because they also had Covid when they died they were counted as a Covid death. This even applied to people who caught Covid in palliative care.

SOUTH AUSTRALIAN GOVERNMENT DROPS VACCINATE MANDATE FOR OFFICERS - ABC ARTICLE

SUMMARY

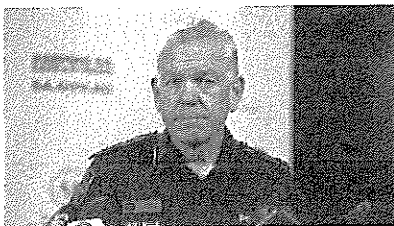
- March 2022
  - SA Police officers challenged vaccine mandates in Supreme Court.
  - The vaccine mandate for police officers ended a week before case heard.
  - Unvaccinated police were allowed to go back to work.
  - Education and healthcare workers also challenging mandates in court.

<https://www.abc.net.au/news/2022-03-04/vaccine-mandate-for-sa-police-revoked/100881214>

## SA Police drop COVID-19 vaccine mandate as state records 2,047 new cases and two COVID-related deaths

By [Nick Harmsen](#), [Stacey Pestrin](#), and [Eugene Boisvert](#)

Posted Fri 4 Mar 2022 at 11:35am Friday 4 Mar 2022 at 11:35am, updated Fri 4 Mar 2022 at 1:29pm Friday 4 Mar 2022 at 1:29pm



SA Police Commissioner Grant Stevens says more than 98.5 per cent of the police force was vaccinated. (ABC News: Lincoln Rothall)

The South Australian police force will abandon its COVID-19 vaccine mandate for officers from Monday, as the state records 2,047 new cases and two COVID-related deaths.

### Key points:

- SA records 2,047 new cases and two COVID-related deaths
- The COVID-19 vaccination mandate for police officers will end on Monday
- Unvaccinated officers will need to take a rapid antigen test at the start of every shift, and wear a respirator-style mask

The deaths are a woman in her 60s and a man in his 80s.

There are 106 people with COVID-19 in hospital, including nine in intensive care and one person is on a ventilator.

There are 18,363 active COVID cases in SA.

The vaccine mandate for police officers will end a week before a Supreme Court challenge of the mandates is due to be heard.

About 60 officers and around 18 public servants who had declined the vaccine have been on enforced leave due to the mandate, which had been imposed by the state's Police Commissioner Grant Stevens using his emergency management powers.

Mandates also exist for employees in other sectors such as health, aged and disability care, schools, childcare, forensic science and taxi and rideshare services.

Several police officers have joined education and healthcare workers, including nurse and former AFLW Adelaide Crows Player Deni Varnhagen, in challenging the mandates in court.

A three-day trial is scheduled for the week beginning March 14, the same week South Australians go the polls.

The formal legal direction for police officers to be vaccinated will be replaced with a managerial direction.

It will require officers who have not received two doses of an approved vaccine to undertake a rapid antigen test at the start of their shift, and wear a properly fitted respirator-style mask for the duration of their shift.

Mr Stevens said more than 98.5 per cent of the South Australian police force was vaccinated.

"Whilst the managerial direction enables unvaccinated employees to return to their substantive duties, there will be some limitations regarding their ability to attend some settings such as residential aged care facilities, disability facilities and the forensic science building," he said.

Commissioner Stevens also announced a change to vaccination requirements for workers in healthcare settings, to allow unvaccinated people to work "on a single occasion or on an infrequent and irregular basis".

Instead, they will need to produce a negative rapid antigen test either the day of or 24 hours prior to going to work, and wear appropriate PPE.

The change in rules allows unvaccinated officers to call outs at emergency departments, something Mr Stevens said was a "frequent activity for police officers".

Mr Stevens also said the rules would affect businesses such as florists or food delivery, who attend hospitals for one-off visits.

However, unvaccinated officers will not be allowed into South Australian venues with vaccine mandates such as Adelaide Oval.

"All of those particular circumstances will be managed by their frontline supervisors," Mr Stevens said.

Mr Stevens stopped short of indicating whether the other mandates would soon be lifted but on Wednesday indicated that his powers under the Emergency Management Act could be relinquished in a month, a move which would spell the end for all the formal vaccine mandates.

## SOUTH AUSTRALIA COVID-19 VACCINES CHALLENGED IN COURT

### SUMMARY

- Healthcare workers and education workers challenging the validity of vaccine mandates
- Challenged that the vaccines mandates are not "reasonably proportionate", "restrict the common law right or freedom to bodily integrity and the common law right or freedom to work",

## AFLW Crows player Deni Varnhagen challenges SA's COVID vaccine mandate in court

By Eric Tlozek

Posted Fri 17 Dec 2021 at 12:38pm Friday 17 Dec 2021 at 12:38pm, updated Fri 17 Dec 2021 at 12:45pm Friday 17 Dec 2021 at 12:45pm



AFLW player and nurse Deni Varnhagen was put on forced leave from her healthcare job for not receiving a COVID-19 vaccine. (ABC News)

**Share this article**

[abc.net.au/news/aflw-player-and-workers-challenging-sa-vaccine-mandate/100709566](https://abc.net.au/news/aflw-player-and-workers-challenging-sa-vaccine-mandate/100709566)

**COPY LINKSHARE**

AFLW Crows player Deni Varnhagen is among a group of four South Australian workers challenging the state government's COVID-19 vaccine mandates in court.

### Key points:

- Two healthcare workers and two education workers are challenging SA's vaccination mandates in court
- Healthcare workers and education workers must be vaccinated under state rules
- Some businesses want the government to mandate vaccinations more widely

Two healthcare workers and two education workers all claim to have lost their jobs due to vaccine mandates introduced under SA's Emergency Management Act.

Crows player and nurse Deni Varnhagen, who was moved to the AFLW club's inactive list after refusing to be vaccinated, was the first applicant for a judicial review filed in the state's Supreme Court.



Varnhagen and two other applicants, childcare worker Kylie Dudson and teacher Craig Bowyer, said they had not received COVID vaccines while another applicant, nurse Courtney Millington, has received one dose.

The group's lawyer Loretta Polson said they were asking the Supreme Court to find the mandates were invalid.



Solicitor Loretta Polson is representing a group of workers challenging SA's vaccination mandates. (ABC News: Eric Tlozek)

"Does a policeman have the power to coerce health workers and teachers to undergo medical treatment against their wishes?" she said outside court.

The application alleged the state's vaccination requirements were invalid, because they should have been debated and passed by parliament.

They also claimed the measures were not "reasonably proportionate", "restrict the common law right or freedom to bodily integrity and the common law right or freedom to work", and do not achieve their stated aim to prevent disruption to services.

"This is why we are in court to determine whether a policeman can impose mandatory vaccinations on people against their will," Ms Polson said.

The application names police commissioner Grant Stevens, the State Coordinator responsible for making declarations under the Emergency Management Act, as a respondent but he was not aware of the legal action.

Speaking at a COVID press conference this morning, Commissioner Stevens said the vaccine mandates have been limited and were imposed upon the advice of the chief public health officer.

"The Emergency Management Act only allows me to make directions that are essential for the wellbeing of the South Australian community," he said.

Vaccine mandates have been contentious around the country, but the South Australian government has actually imposed mandates on fewer sectors than other states.

Some businesses and their peak lobby, Business SA, have asked the government to extend vaccination requirements, so employers could impose them without fear of being sued.

The case will return to court next month.

## WA POLICE OFFICER WINS INJUNCTION

### SUMMARY

- Senior Constable Ben Falconer will keep his job until his case goes to trial
- Justice Jeremy Allanson says the court is not predicting the trial result
- Barrister said - no evidence those who had not received the jab posed a threat to anybody, saying "people who are unvaccinated are not diseased".
- Hearing set for January 2022

<https://www.abc.net.au/news/2021-12-24/wa-police-officer-wins-injunction-stopping-sacking-over-jab/100724360>

# WA Police officer wins injunction preventing him from being sacked over COVID vaccination

By David Weber

Posted Fri 24 Dec 2021 at 1:18pm Friday 24 Dec 2021 at 1:18pm



The ruling means Ben Falconer cannot be sacked until a judicial review is held. *(ABC News: David Weber)*

Share this article

A WA Police officer has won a Supreme Court injunction preventing him from being sacked for refusing a COVID vaccination.

### Key points:

- Senior Constable Ben Falconer will keep his job until his case goes to trial
- The Police Commissioner says he's still not allowed at police premises
- Justice Jeremy Allanson says the court is not predicting the trial result

Ben Falconer, who has described himself as "pro-choice", had asked for a judicial review of disciplinary procedures regarding those officers who did not want a COVID vaccine.

Supreme Court Justice Jeremy Allanson has granted an injunction stopping the Police Commissioner from sacking Senior Constable Falconer until the case goes to trial.

Police Commissioner Chris Dawson said the ruling did not mean the officer could attend police premises.

"The decision of the Supreme Court is an interim decision and it only applies to a single police officer, not any other officers," he said.

"It does not affect the Chief Health Officer's order, so that means none of these police officers, this particular applicant will not be able to attend a police facility in the interim period."

The Commissioner said he did not want to make further comments on the matter while it was still before the courts.

## Unvaccinated 'not diseased', court told

During the hearing on Thursday, counsel for the state Kenneth Pettit SC listed the benefits of vaccination, and said the applicant's inconvenience associated with being vaccinated was "not worth" one hospitalisation or lockdown.

Referring to 34 police workers who he said did not want to be vaccinated, he said the "burden" was not borne by the officers alone, as other workplaces were subject to directions.

Senior Constable Falconer's barrister said there was no evidence those who had not received the jab posed a threat to anybody, saying "people who are unvaccinated are not diseased".



Senior Constable Falconer (centre) made no comment as he left court after the ruling. *(ABC News: David Weber)*

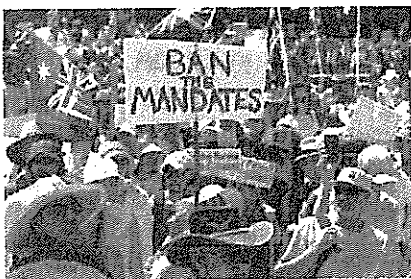
Shane Prince SC referred to "bodily integrity" and said it was a common law right.

Justice Allanson said that by granting the injunction, the court was not predicting the result of any trial.

He said the trial needed to be held as soon as possible, preferably in the first quarter of next year, with a *directions hearing set down for January 12*.

Justice Allanson did say the Chief Health Officer's directions remained in force.

He told the court the "balance of justice required restraint".



Protesters have repeatedly taken to the streets of Perth to rally against vaccination mandates. *(ABC News: Andrew O'Connor)*

## SUMMARY

- Dr Robertson a witness in the case withdraws
- Evidence calls into question the credibility of the WA government's decision to impose vaccination mandates

<https://www.spectator.com.au/2022/04/last-minute-legal-manoeuvres-wa-delay-trial-of-falconer-case/>

# Last minute legal manoeuvres: WA delay trial of Falconer case

Rocco Loiacono

1 April 2022

12:00 PM

At an urgent hearing late on March 28, the evening before Senior Constable Ben Falconer's challenge to the WA Police vaccine mandate was due to start, Ken Pettit SC, counsel for the state's Chief Health Officer, Andy Robertson, and the State of WA, tried to force the trial on, despite the surprise last-minute withdrawal of Dr Robertson as a witness.

At the urgent hearing, Senior Constable Ben Falconer's counsel, Shane Prince SC, argued that Dr Robertson's withdrawal had deprived Senior Constable Falconer of the opportunity to cross-examine Dr Robertson on an affidavit filed in early March, and so the trial would not be fair if it proceeded in the way proposed by Mr Pettit SC.

In a major breakthrough at a hearing the following day (when the three-day trial was scheduled to start), Supreme Court Justice Jeremy Allanson accepted Mr Prince SC's submissions and adjourned the trial. Justice Allanson said in his oral reasons, 'I'm not satisfied that the trial should proceed in the manner proposed by [the Chief Health Officer and the State of WA]. I'm not satisfied that it would be fair and that it would be seen to be fair.'

While the case is adjourned, the parties have been directed to confer about the calling of expert evidence at the trial. There will be a directions hearing on April 13, at which time Justice Allanson will decide whether he will allow expert evidence at the trial, and to set a new trial date. Justice Allanson advised the parties that he will not be available until July to hear the case, although it is possible another judge could be allocated.

This outcome leaves open the possibility that Senior Constable Falconer will be able to lead evidence in the case from Professor Nikolai Petrovsky of Flinders University. Professor Petrovsky's evidence calls into question the scientific credibility of the WA government's decision in October of last year to impose vaccination mandates on a large proportion of WA's workforce.

As mentioned in my most recent piece, Justice Allanson had previously ruled that no expert evidence would be allowed, but has now indicated that he may be willing to reverse his position, due to the surprise withdrawal of the Chief Health Officer as a witness in the case on March 25.

Professor Petrovsky is an internationally-acknowledged vaccine expert, and gave expert evidence in the recent case in the High Court of New Zealand, which struck down the New Zealand government's vaccine mandates applying to the police and defence forces.

# Covid 19 Omicron: Defence, police vaccine mandates - Government appeals High Court decision

25 Mar, 2022 01:02 PM 4 minutes to read



Anti-mandate protesters in Napier. Photo / Paul Taylor

NZ Herald

The Government has filed an appeal against a High Court decision that determined vaccine mandates imposed on the New Zealand Defence Force (NZDF) and police were an unjustified incursion on the Bill of Rights.

Crown Law and the Court of Appeal confirmed to the Herald this afternoon that an appeal has been filed.

"The Government has filed an appeal relating to the Yardley judgment on points of law," a Crown Law spokesperson said.

"The appeal is in no way an attempt to reverse the removal of mandates on the workforces covered by the Yardley decision and there is no intention to reinstate those mandates on those workforces."

The challenge, put forward by a group of Defence Force and police employees, questioned the legality of making an order under the Covid-19 Public Health Response Act to require vaccination for frontline employees.

The challenge was supported by a group of 37 employees affected by the mandate, who submitted written affidavits to the court.

Detective Senior Sergeant Ryan Yardley said the Crown's appeal notice stated even if it was a successful appeal, the outcome would have no effect on the revoked order of mandatory vaccinations.

## SUMMARY

- Port Hedland council vote to pursue the Judicial Review Process
- Reminded the councillors
  - Role is to look after the will of the people,
  - Morally and legally the right thing to do.
- Requesting the GWA (state) to prove that what they are doing with the mandates is legal.

[Local council votes to SUE Mark McGowan's government over vaccination mandates | Daily Mail Online](#)

# Local council votes to SUE Mark McGowan's government over the state's tough vaccination mandates

- Council in WA's Pilbara region to launch legal action against vaccine mandates
- Majority of councillors at Port Hedland council voted in favour of going to court
- Council received legal advice that warned the case could damage its reputation
- Western Australia has highest third jab rate of any Australian state or territory

By [OLIVIA DAY FOR DAILY MAIL AUSTRALIA](#) and [TIM DORNIN FOR AUSTRALIAN ASSOCIATED PRESS](#)  
PUBLISHED: 13:15 AEST, 16 May 2022 | UPDATED: 15:17 AEST, 16 May 2022

A council in [Western Australia](#) will launch legal action against state vaccination mandates introduced by Premier Mark McGowan's government.

The Port Hedland Council is aiming to overturn rules that require about 75 per cent of Western Australia to be vaccinated if they want to remain employed.

Western Australia has the toughest Covid rules in Australia, with vaccination mandates covering workers in mining, retail, hospitality and construction.



A council in Western Australia will launch legal action against state vaccination mandates introduced by Premier Mark McGowan's government (pictured, the premier on May 16)



The Port Hedland Council is aiming to overturn rules that require about 75 per cent of Western Australia to be vaccinated if they want to remain employed (pictured, a woman is vaccinated)

The council last week passed a series of proposals put forward by the community with the aim of repealing vaccine mandates, The Australian reports.

Port Hedland will vote in favour of launching a Supreme Court action despite being warned in legal advice the case would be 'extremely expensive'.

Councillors were also told their case would have a limited likelihood of success and would require powers beyond the council's capabilities.

The advice also warned the Port Hedland council, in the Pilbara region, could suffer 'significant legal and reputational damage' if they pursued legal action.

Three of the four resolutions, which includes one that calls for a review of WA's vaccination mandates and the ongoing state of emergency declaration, were supported by the majority of councillors.

The only motion that wasn't passed was one that required \$500,000 for legal fees, however plans to obtain more funding are already in the works.

**Port Hedland will vote in favour of launching a Supreme Court action despite being warned in legal advice the case would be 'extremely expensive' (pictured, a pedestrian in Perth)**

A spokeswoman for the Town of Port Hedland said the council's chief executive had approached WA's Department of Local Government, Sport and Cultural Industries to ask about resourcing the legal action.

Due to the budget not having any allocation for the costly legal fees the council is required to have additional expenditure approved in another resolution. The spokeswoman said this would be introduced as a new agenda item at an upcoming council meeting to give members time to consider the move.

Councillors will be asked whether they think the level of funding is appropriate to resource legal action that would 'meet the intent of resolutions', she said.

Daily Mail Australia has contacted the Port Hedland Council for comment.

**Mr McGowan (pictured with Labor leader Anthony Albanese on May 16) said new Covid-19 cases would continue to emerge and therefore the government needed ongoing powers**

It comes just weeks after Western Australia scrapped proof of vaccine requirements in hospitality venues like pubs, bars and restaurants.

Since April 29, residents have no longer been required to wear face mask indoors or show proof of two jabs, with density limits on venues also removed.

Western Australia boasts the highest third jab rate of any other state or territory while 20million people are fully vaccinated against Covid.

Mr McGowan's government recently introduced legislation to state parliament to ensure that specific Covid-19 rules remain in place.

The new laws cover a range of directions including the seven-day isolation requirement for Covid cases and the use of face masks by close contacts.

The legislation also allows the government to continue to restrict the movement in and out of Aboriginal communities, includes measures for the management of cruise ships, and the use of face masks in hospitals, aged care, disability facilities, and passenger transport settings.

The bill further provides better protection for WA police officers with increased penalties for serious assaults and threats against frontline officers as well as healthcare workers.

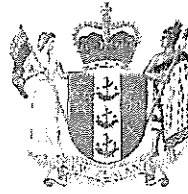
Mr McGowan said new Covid-19 cases would continue to emerge and the government needed ongoing powers to keep West Australians safe.

'Having this legislation gives the state a framework to manage important measures including the requirement for mask mandates in vulnerable settings such as hospitals and aged care,' the premier said last week.

'It also ensures we can keep a ban on larger cruise ships and restrict access to remote Aboriginal Communities for the time being.

'This emergency management framework has been vital to Western Australia's successful management of the pandemic.'





## **THE HIGH COURT OF NEW ZEALAND TE KŌTI MATUA O AOTEAROA**

25 February 2022

### **MEDIA RELEASE**

*Yardley v Minister for Workplace Relations and Safety*

**EMBARGO IN PLACE PREVENTING PUBLICATION, INCLUDING SOCIAL MEDIA POSTING ON THIS JUDGMENT OR ITS EXISTENCE UNTIL 2 PM FRIDAY 25 FEBRUARY 2022.**

**This summary is provided to assist in the understanding of the Court's judgment. It does not comprise part of the reasons for that judgment. The full judgment with reasons is the only authoritative document. The full text of the judgment and reasons can be found at [www.courtsofnz.govt.nz](http://www.courtsofnz.govt.nz).**

**High Court sets aside vaccine mandate for Police and Defence Force.**

### **The Decision**

The High Court has upheld a challenge to a vaccine mandate covering Police and New Zealand Defence Force staff in a judgment released today. The judgment applies only to this specific mandate.

### **The Police and Defence Force mandate explained**

The Police and Defence Force mandate was introduced by the Minister for Workplace Relations and Safety by the COVID-19 Public Health Response (Specified Work Vaccinations) Order 2021 in December 2021. It required all Defence Force personnel and all Police constables, recruits and authorised officers to receive two doses of the vaccine by 1 March 2022. It was additional to existing vaccination policies Police and Defence had already introduced internally. The Court noted that the mandate had not been imposed to prevent the spread of Covid-19. Rather, it had been implemented to ensure the continuity of Police and Defence Force services, and the public confidence in those services. Ministry of Health advice to the Government was that further mandates to prevent the spread of Covid-19 in the community were not needed.

## **The nature of the claim**

Justice Cooke upheld the applicants' claims that two rights in the New Zealand Bill of Rights Act 1990 had been limited by the mandate — the right to refuse a medical treatment under s 11, and the right to manifest religious beliefs under s 15. The mandate limited the right to manifest religious beliefs as the Pfizer vaccine had at some point been tested on cells that had been derived from a human foetus, and requiring vaccination by such a vaccine was in conflict with the religious beliefs of some of the affected persons.

The Court then considered whether this limitation upon fundamental rights was reasonable, and demonstrably justified in a free and democratic society as is required by s 5 of the New Zealand Bill of Rights. Having considered the relevant factors it found that it was not.

First, Justice Cooke concluded that the mandate affected only a small number of personnel. The evidence was that of an overall Police workforce of 15,682 the Order only affected 164 personnel who were unvaccinated when it came into effect, and an overall Defence workforce of 15,480 it only affected 115 personnel who were unvaccinated.

Secondly, Justice Cooke found that there was no evidence that these numbers would have been any different had the question of vaccination been left to the pre-existing vaccination policies already in existence for the Police and the Defence Force. In addition, there was no evidence that the Order had the effect of making personnel vaccinate or resign who would not otherwise have done so except for the Order.

Justice Cooke accepted that an effect on a small number of personnel could nevertheless involve a measure that was demonstrably justified if the evidence disclosed that there was risk to the continuity of Police and Defence Force services arising from this number of unvaccinated personnel. But, the expert evidence before the Court from Dr Petrovsky for the applicants, and Dr Town the Ministry of Health's Chief Science Adviser, did not establish this. Vaccination has a significant beneficial effect in limiting serious illness, hospitalisation, and death, including with the Omicron variant. But it was less effective in reducing infection and transmission of Omicron than had been the case with other variants of COVID-19.

Justice Cooke concluded that there was no real evidence that the effect of the Order on the small number of personnel made any material difference to the continuity of Police or Defence Force services. He concluded that Omicron did pose a threat to the continuity of workforces, including Police and Defence Force workforces because it was so transmissible, but that this was the case for the vaccinated as well as the unvaccinated.

In those circumstances the Court found that the significant adverse effects for those Police and Defence Force personnel who faced termination meant that the measure was not a reasonable limit on their rights demonstrably justified in a free and democratic society in accordance with s5 of the Bill of Rights. The Order was accordingly unlawful.

The Order was set aside, and the applicants entitled to seek an award of Court costs. The Court's orders are limited to the mandate relating to Police and Defence Force personnel and do not affect other mandates or the internal Police and Defence vaccination policies. Justice Cooke also specifically recorded that the Court's conclusions did not involve questioning of the effectiveness of vaccination:

I should make it clear what this case is not about. The Order being set aside in the present case was not implemented for the purposes of limiting the spread of Covid-19. Health advice was that such a further mandate was not needed for this purpose. Neither should the Court's conclusion be understood to question the effectiveness and importance of vaccination. The evidence shows that vaccination significantly improves the prospects of avoiding serious illness and death, even with the Omicron variant. It confirms the importance of a booster dose given the waning effect of the first two doses of the vaccine.

ENDS

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## Deputation to Shire of York Councillors 24.5.22

RE: SY048-05/22 Consideration of Questions Asked and Decisions from the Special Electors Meeting Held On Tuesday 12 April 2022

Author: Jane Ferro, [REDACTED]

I stand here today as a representative for a large number of our community, many hundreds in fact. A far cry from the 79 mentioned in point 3 of the recommendation in response to the Special Electors Meeting. Why would the recommendation specify this number rather than reflect a much larger section of York's population – nearly double that number - who signed the petition that resulted in the SEM?

There were residents at the meeting who did not sign the petition, yet were obviously interested in the proceedings. We were told the reason no one voted in opposition to the motions that were presented at the SEM is because they may have been intimidated by us. Could it rather be because they were convinced by the sincerity of the presenters and chose not to oppose such powerful stories of the effects of the mandates on those who did not comply?

To our surprise, we discovered the Administration assumes we're not a significant part of the York community, that all is well and no one was suffering from the enforcement of the mandates. We have attempted to inform the CEO and Shire President that a large percentage of our community who object to the mandates are not identifying themselves because of the perceived consequences based on the discrimination quickly put in place. Some of the discrimination even went beyond what was mandated. We believe no one should feel they have to hide their truth and withdraw from community interaction.

Let me remind everyone here that it is a basic human right to be able to decide what is injected into our bodies. This innate right is enshrined in the Nuremberg Code and many other human rights documents.

From the presentations at the SEM, you heard firsthand accounts from individuals who are affected by the mandates put in place through an emergency act. These individuals were speaking on behalf of many others in similar circumstances. The emergency act has been renewed without questioning its relevance time after time, for over a year. Yet the data coming forward since mid last year

contradicts any benefits from the mandates based on the damage they have done to people of all ages.

Councillors, let me summarize the sorts of discrimination you have heard and / or read about in the presentations delivered at the Special Electors Meeting

- Owners of a large local business must be jabbed to continue to operate. They must also require their employees to be jabbed or the owners face heavy fines. Yet the Gov't puts the responsibility and liability solely on the business owners for the consequences experienced by their employees from having the experimental gene therapy, and the mounting adverse reactions that are occurring.
- A father lost a well-paying job and can no longer support his family because he didn't want an injection that is still classified as experimental gene therapy and only authorized for emergency use.
- A war veteran who chose not to have this experimental gene therapy and many of his mates were not allowed to enter the RSL Hall, pubs, cafes, restaurants, yet they put their lives on the line to guarantee the very freedoms that the gov't has taken away from all of us.
- An employee of the Dept of Education in IT/Computers who could work on the weekend or remotely was denied these options because he refused the experimental gene therapy.
- A very committed volunteer to York's societies and social groups spoke for many others who have been denied access to premises unless they take the experimental gene therapy.
- Participants of activities and exercise groups for health benefits are ironically denied access unless they take the experimental gene therapy.
- Even farmers, who operate in the open, often on their own or with limited contacts thus in a very low risk category, face the same mandates. They are finding their employees – who have had to be jabbed – falling ill and unable to work. With the time sensitivity of farming, this has affected production on every level. Not to mention their children having to spend extra hours in the school bus wearing masks because of living at a distance from schools. Yet the masks have been proven to be detrimental to their immune systems and their mental well-being.
- Fire and emergency service workers, a highly specialized section of our community, are not being allowed to fulfil their roles unless they agree to the experimental gene therapy.

This has put many lives and properties at risk with not only the loss of these individuals who object to the experimental gene therapy, but worse still, from those who have fallen ill after being jabbed.

YorkKind as it has been administered does not address any of the issues raised at the SEM even though it is mentioned in the report as a method our Council is implementing to address our concerns. There are no strategies to mitigate the discrimination, intimidation or unpleasant consequences endured by those who dared to choose to be jab free because it is experimental gene therapy only authorized for emergency use.

Interestingly, at 12.01 am on Friday, 29<sup>th</sup> April, many of the mandates were inexplicably cancelled, no longer necessary for all but employees and those in high risk areas – which doesn't make sense either. All of a sudden we who have been mandated out of many premises, public buildings, shops, restaurants, etc can now enter even without masks. Unfortunately, as acknowledged in the agenda report, "...that is not to say the mandates may not be reintroduced again in the future should the situation change".

Also in the report for the agenda item relating to the SEM, it is stated that "...the Shire of York is required to comply with the directions made during a declared State of Emergency. Council has no authority to override or create laws or take any action which would conflict with State or Federal Government legislation or health orders". Yet 2 other Councils to date have been instructed by a majority of their Councillors to advocate beyond these limitations.... as you just heard Monique explain.

As Local Gov't, you are the governmental level that has the closest contact with the people in our community. Therefore, it is incumbent upon you to recognize the level of discrimination a large section of our community, including the children, has been experiencing. We call upon our Councillors to stand beside us in support, not simply repeat the legislation that is undermining our inherent rights and freedoms.

So what is the genuine advocacy we are asking our Councillors to support?

It's obvious from the wording of points 3 and 4 in the recommendation that the preferred option is for Councillors to wash your hands of any genuine advocacy and bury the awareness of the unacceptable level of discrimination that is

growing in our community. To the contrary, Councillors need to authorize a letter to the Premier which states strongly and clearly that we're being discriminated against and something needs to change to rectify this issue.

We choose to leave a legacy of a better world, a freer world than we were born into that has regressed to the point where we are now on the verge of, as Klaus Schwab so famously predicted: "You will own nothing and be happy". Perhaps some in our community would be content with that as a trade off of your rights and freedoms. However those for whom I am speaking today do not accept this dystopian future.

We call upon the Councillors to vote on our behalf, to ensure our CEO fulfils his stewardship role as you employed him to do. You can advise him to compose an informative letter to the Premier. As a minimum, the letter should list the motions that were carried at the SEM in the body of the letter. The Minutes can then accompany the letter. The State Gov't must be made to realize there are many in our community who feel intimidated, discriminated against and concerned about the consequences of the mandates.

We the People are reclaiming our freedoms and taking our power back. However, it is not only for us that we stand united, but for all of our community, including those who work here, for all Australians, for all humanity, and most especially for future generations that will inherit the world we leave them.