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From: pat dow [REDACTED]
Sent: Monday, 28 September 2015 9:42 AM
To: SARC
Subject: No Jab, No Pay

27th September, 2015.

To: *The Scrutiny of Acts and Regulations Committee (SARC)*

[REDACTED]

This Policy of "No Jab, No Pay" is absolutely abhorrent to a Society built on Freedom and Choice and Victoria has a Charter of Human Rights and Responsibilities which has been put in place to make sure the "individual's" rights are protected.

Authorised Version No. 013
Charter of Human Rights and Responsibilities Act 2006
No. 43 of 2006
Authorised Version incorporating amendments as at 1 July 2014

Preamble: On behalf of the people of Victoria the Parliament enacts this Charter, recognising that all people are born free and equal in dignity and rights. This Charter is founded on the following principles—

- human rights are essential in a democratic and inclusive society that respects the rule of law, human dignity, equality and freedom;
- human rights belong to all people without discrimination, and the diversity of the people of Victoria enhances our community;
- human rights come with responsibilities and must be exercised in a way that respects the human rights of others;
- human rights have a special importance for the Aboriginal people of Victoria, as descendants of Australia's first people, with their diverse spiritual, social, cultural and economic relationship with their traditional lands and waters.

5 Human rights in this Charter in addition to other rights and freedoms

A right or freedom not included in this Charter that arises or is recognised under any other law (including international law, the common law, the Constitution of the Commonwealth and a law of the Commonwealth) must not be taken to be abrogated or limited only because the right or freedom is not included in this Charter or is only partly included.

8 Recognition and equality before the law

(1) Every person has the right to recognition as a person before the law.

- (2) Every person has the right to enjoy his or her human rights without discrimination.
- (3) Every person is equal before the law and is entitled to the equal protection of the law without discrimination and has the right to equal and effective protection against discrimination.

10 Protection from torture and cruel, inhuman or degrading treatment

A person must not be—

- (a) subjected to torture; or
- (b) treated or punished in a cruel, inhuman or degrading way; or
- (c) subjected to medical or scientific experimentation or treatment without his or her full, free and informed consent.

14 Freedom of thought, conscience, religion and belief

- (1) Every person has the right to freedom of thought, conscience, religion and belief, including—
 - (a) the freedom to have or to adopt a religion or belief of his or her choice; and
 - (b) the freedom to demonstrate his or her religion or belief in worship, observance, practice and teaching, either individually or as part of a community, in public or in private.
- (2) A person must not be coerced or restrained in a way that limits his or her freedom to have or adopt a religion or belief in worship, observance, practice or teaching.

*This policy is totally Un-Australian and is violation against Human Beings and our inherent **Rights and Freedoms.***

Here in Australia vaccines are administered with the proviso and understanding that each and every Australian who receives a vaccine does so with 'informed consent' and without duress of any kind. This means they have been provided with the pros and cons, benefits and dangers (which are listed in the Vaccine Manufacturers inserts) regarding the vaccine by the Medical Person administering that vaccine. This policy 'No Jab, No Pay' will make "informed consent" without duress impossible. How can an individual give 'informed consent' if that individual is being coerced to take the vaccine to ensure that he or she is able to keep receiving much needed Government Assistance. These two concepts are incompatible.

In Australia with "informed consent" it is understood that by agreeing to take the vaccine you the consumer takes full responsibility for that decision and if an adverse reaction does occur there is no avenue available to pursue compensation from the Government or the Manufacturer.

In Australia there is no Mandatory Vaccine Injury Reporting System in place so people who do experience such events are on their own. In America there is a Mandatory Vaccine Injury Reporting System in place.

In America although Vaccine Manufacturers are protected by law and cannot be sued the U.S. Government has in place the Office of Special Masters of the U.S. Court of Federal Claims which deals with claims relating to Vaccine Injury and Death. At this point in time this Vaccine Court has paid out approx. 3 Billion Dollars in compensation which indicates that vaccine injury and death is a reality and parents who are concerned about the safety and efficacy have a real and legitimate concern.

Human Rights must equal choice. If there is a risk there must be a choice. This Policy of 'No Jab, No Pay' creates a two class system in Australia. The poor who have to give up their rights to receive much needed Government assistance and the well to do who will retain their rights only because of their secure financial state.

By introducing this policy the Australian Government is failing in its 'Duty of Care' towards financially disadvantaged Australians and in the long run all Australians. Australia is one nation and there should not be class discrimination or class distinction.

This is not acceptable for Australians.

This policy flies in the face of all the achievements and progress that came out of the atrocities of Second World and Nazism.

Similar policies enacted during the Nazi Human Experimentation during the Second World War were defined at the end of that War as "Medical Torture": "Prisoners were coerced into participating; they did not Willingly Volunteer and there was never Informed Consent. Typically, the Experiments resulted in Death, Disfigurement or Permanent Disability, and as such are considered Examples of Medical Torture."

This policy 'No Jab, No Pay' negates all the positives and all the hard learned and hard earned lessons that came out of the Atrocities of Nazi Germany.

My grandfather and my father fought in the two World Wars. My grandfather was gassed and suffered lung problems all his life. My father spent three years in a Japanese POW camp and suffered all his life with ongoing ill health as a result of his treatment there. They both fought and suffered for the Freedom and Rights that every Australian is entitled to.

Coercing "disadvantaged Australians" to give up their Human Rights and Personal Sovereignty to enable them retain Government Benefits is completely unacceptable, completely un-Australian and draconian in nature.

verb (used with object), coerced, coercing.

1. to compel by force, intimidation, or authority, especially without regard for individual desire or volition:

They coerced him into signing the document.

2. to bring about through the use of force or other forms of compulsion; exact: to coerce obedience.

3. to dominate or control, especially by exploiting fear, anxiety, etc.:

The state is based on successfully coercing the individual.

The "No Jab, No Pay" Policy violates the Nuremberg Code, The Declaration of Geneva, Values In Medical Ethics, Universal Declaration of Human Rights, Declaration of Tokyo.

The “No Jab, No Pay” will deny “Disadvantaged Australian Families” of much needed funds which this Government and previous Governments provided to relieve them of poverty and enable them to survive from day to day.

This is not acceptable in Australia now or ever and again will negate and destroy all the positives and all the hard learned and hard earned lessons that came out of the Atrocities of Nazi Germany.

The ‘No Jab, No Pay’ has no place in contemporary Australia as the following references will prove:

Values In Medical Ethics

1. Respect for Autonomy – the patient has the right to refuse or choose their treatment. (Voluntas aegroti suprema lex)
2. Beneficence – a Practitioner should act in the best interest of the patient. Salus aegroti suprema lex)
3. Non-maleficence – “First, Do No Harm”. (primum non nocere)
4. Justice – concerns the distribution of scarce health resources, and the decision of who gets what treatment (fairness and equality). (Iustitia)

Other values include:

5. Respect for persons – the patient and the person treating the patient have the right to be treated with dignity.
6. Truthfulness and honesty – the right of informed consent has increased in importance since the historical events of the Doctors’ Trial of the Nuremberg trials and Tuskegee Syphilis Experiment.

Nazi Human Experimentation:

Was a series of Medical Experiments on large numbers of prisoners, mainly Jews (including Jewish Children) from across Europe, but also in some cases (including Children) Romani, Sinti, Ethnic Poles, Soviet POWs and Disabled Non-Jewish Germans, by Nazi Germany in its Concentration camps mainly in the early 1940s, during World War II and the Holocaust.

After the war, these crimes were tried at what became known as the Doctors’ Trial, and revulsion at the abuses perpetrated led to the development of the Nuremberg Code of Medical Ethics.

Torture is the act of deliberately inflicting severe physical or psychological pain and possibly injury to an organism, usually to one who is physically restrained or otherwise under the torturer’s control or custody and unable to defend against what is being done to him or her. Torture has been carried out or sanctioned by individuals, groups and states throughout history from ancient times to modern day and forms of torture can vary greatly in duration from only a few minutes to several days or even longer. Reasons for torture can include punishment, revenge, political re-education, deterrence, interrogation or **coercion** of the victim or the third party, or simply the sadistic gratification of those carrying out or observing the torture. Some forms of torture are designed to inflict psychological pain achieving psychological devastation.

Torture is prohibited under **International Law** and the **Domestic Laws** of most countries as developed in the mid-20th century. It is considered to be a violation of Human Rights and is declared to be unacceptable by Article 5 of the UN Universal Declaration of Human Rights. Signatories of the Geneva Convention of 1949 and the Additional Protocols I and II of 8th June, 1977, officially agree not to torture captured persons in armed conflicts whether

International or Internal. Torture is also prohibited by the United Nations Convention Against Torture which has been ratified by 157 countries.

National and International **legal prohibitions on Torture derive from a Consensus that Torture and similar ill-treatment are Immoral** as well as impractical. Despite these International Conventions Organizations that monitor abuses of Human Rights (e.g. Amnesty International, the International Rehabilitation Council for Torture Victims, etc) report widespread use condoned by states in many regions of the world. Amnesty International estimates that at least 81 world governments currently practice torture, some of them openly. _

Immunization experiments

At German Concentration Camps of Sachsenhausen, Dachau, Natzweiler, Buchenwald and Neuengamme scientists tested immunization compounds and serums for the prevention and treatment of contagious diseases including malaria, typhus tuberculosis, typhoid fever, yellow fever and infectious hepatitis.

Medical Torture:

Medical Torture describes the involvement and sometimes participation of Medical Personnel in acts of Torture, either to judge what victims can endure, to apply treatments which will Enhance Torture or as torturers in their own right. Medical Torture may be call Medical Interrogation if it involves the use of their Expert Medical Knowledge to facilitate Interrogation of Corporal Punishment, in the conduct of torturous Human Experimentation or in providing professional Medical Sanction and Approval for the Torture of Prisoners.. Medical torture also covers torturous scientific (or Pseudo-Scientific) Experimentation upon Unwilling Human Subjects.

The Ten point of the Nuremberg Code

1. The Voluntary Consent of the Human Subject is Absolutely Essential. This means that the Person involved should have the Capacity to Give Consent; should be so situated as to be able to Exercise Free Power of Choice, without the Intervention of Any Element of Force, fraud, deceit, duress, over-reaching or other ulterior Form of Constraint or Coercion; and should have Sufficient Knowledge and Comprehension of the Elements of the Subject Matter involved as to enable the Human Being to make an Understanding and Enlightened decision. This Latter Element Requires that before the Acceptance of an Affirmative Decision by the Experimental Subject there should be made known to the person the Nature, Duration and purpose of the Experiment; the Method and Means by which it is to be Conducted; All Inconveniences and Hazards reasonable to be Expected; and the Effects upon the Human Beings Health which may possibly come from the Human Being's Participation in the Experiment. It is a Personal Duty and Responsibility which may not be Delegated to Another with Impunity.
2. The Experiment should be such as to yield fruitful results for the good of society, unprocurable by other means of study and not random and unnecessary in nature.
3. The experiment should be so designed and based on the results of Animal Experimentation and a knowledge of natural history of the disease or other problem under study that the anticipated results will justify the performance of the experiment.
4. The experiment should be so conducted as to avoid all unnecessary physical and mental suffering and injury.
5. No experiment should be conducted where there is a prior reason to believe that death or disabling injury will occur; except, perhaps, in those experiments where the experimental physician also serve as subjects.

6. The degree of risk to be taken should never exceed that determined by the Humanitarian Importance of the problem to be solved by the experiment.
7. Proper preparations should be made and adequate facilities provided to protect the Experimental Subject (Human Being) against even remote possibilities of Injury, Disability or Death.
8. The Experiment should be conducted only by scientifically qualified persons. The highest degree of skill and care should be required through all stages of the experiment of those who conduct or engage in the experiment.
9. During the course of the experiment the human subject should be at Liberty to bring the Experiment to an end if he has reached the Physical or Mental State where continuation of the Experiment seems to the Human Being to be impossible.
10. During the course of the experiment the Scientist in Charge must be prepared to terminate the experiment at any stage, if he has Probable Cause to believe, in the exercise of the good faith, Superior Skill and careful Judgement required of him that a continuation of the experiment is likely to result in Injury, Disability or Death to the Experimental Subject.

The Declaration of Geneva:

At the time of being admitted as a member of the Medical Profession:

1. I solemnly pledge to consecrate my life to the Service of Humanity.
2. I will give to My Teachers the respect and gratitude that is their due.
3. I will practice my Profession with Conscience and Dignity.
4. The Health of my Patient will be my first consideration.
5. I will respect the Secrets that are confided in me even after the patient has died.
6. I will maintain by all the means in my power the Honour and the Noble Traditions of the Medical Profession.
7. My colleagues will be my sisters and brothers.
8. I will not permit considerations of Age, Disease or Disability, Creed, Ethnic Origin, Gender, Nationality, Political Affiliation, Race, Sexual Orientation, Social Standing or any other factor to intervene between My Duty and My Patient.
9. I will maintain the Utmost Respect for Human Life.
10. I will not use my Medical Knowledge to Violate Human Rights and Civil Liberties even under threat.
11. I make these Promises Solemnly, Freely and Upon My Honour.

Nuremberg Principle II

“The fact that Internal Law does not impose a Penalty for an act which constitutes a crime under International Law does not relieve the person who committed the act from Responsibility under International Law.”

Nuremberg Principle III

“The fact that a person who committed an act which constitutes a crime under International Law acted as Head of State or Responsible Government Official does not relieve him from responsibility under International Law.”

Nuremberg Principle IV

“The fact that a person acted pursuant to order of his Government or of a Superior does not relieve him from Responsibility under International Law, provided a Moral Choice was in fact possible to him.”

Nuremberg Principle VI (c)
Crimes Against Humanity

Murder, Extermination, Enslavement, Deportation and Other Inhumane Acts done against any Civilian Population, or Persecutions on Political, Racial or Religious Grounds, when such Acts are done or such Persecutions are carried on in execution of or in connection with any crime against peace or any war crime.

Freedom from Torture or Cruel, Inhuman or Degrading Treatment or Punishment (Article 15)

86. No one in Australia is subjected to Medical or Scientific Experimentation without their Free and Informed Consent.

CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

Considering that, in accordance with the Principles Proclaimed in the Charter of the United Nations, recognition of the Equal and Inalienable Rights of all Members of the Human Family is the Foundation of Freedom, Justice and Peace in the World.

Recognizing that those rights derive from the inherent dignity of the Human Person.

Considering the obligation of States under the Charter, in particular article 55, to promote universal respect for and observance of Human Rights and Fundamental Freedoms.

Having regard to article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights, both of which provide that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Having regard also to the Declaration on the Protection of All Persons (Human Beings) from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the General Assembly on 9 December 1975.

Universal Declaration of Human Rights

Adopted and proclaimed by General Assembly resolution 217 A(III) of 10 December 1948.

PREAMBLE

Whereas recognition of the Inherent Dignity and of the Equal and Inalienable Rights of all Members of the Human Family is the Foundation of Freedom, Justice and Peace in the World.

Whereas disregard and contempt for Human Rights have resulted in Barbarous acts which have outraged the Conscience of Mankind and the advent of a World in which Human Beings shall enjoy Freedom of Speech and Belief and Freedom from Fear and Want has been proclaimed as the Highest Aspiration of the Common People.

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations between nations, Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now, therefore,

The General Assembly,

Proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

Article 1

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Article 2

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

Article 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 19

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Article 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Article 25

1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

Article 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

Declaration of Tokyo

Preamble

It is the privilege of the medical doctor to practice medicine in the service of humanity, to preserve and restore bodily and mental health without distinction as to persons, to comfort and to ease the suffering of his or her patient. The utmost respect for human life is to be maintained even under threat, and no use made of any medical knowledge contrary to the laws of humanity.

For the purpose of this Declaration, torture is defined as the deliberate, systematic or wanton infliction of physical or mental suffering by one or more persons acting alone or on the orders of any authority, to force another person to yield information, to make a confession, or for any other reason.

After the Second World War the implications of “Command Responsibility” were clarified.

Command Responsibility

In the Discussion regarding “Command Responsibility” the term “Command” can be defined as: De jure (legal) command, which can be Both Military and Civilian. The Determining Factor here is not Rank but Subordination. Four Structures are Identified;

1. Policy Command: Heads of State, High-ranking Government Officials, Monarchs.
2. Strategic Command: War Cabinet, Joint Chiefs of Staff.
3. Operational Command: Military Leadership. In Yamashita it was established that Operational Command Responsibility cannot be ceded for the Purpose of the Doctrine of Command Responsibility; Operational Commanders must Exercise the Full Potential of Their Authority to Prevent War crimes – failure to Supervise Subordinates or Non-assertive Orders does not Exonerate the Commander.
4. Tactical Command: Direct Command Over Troops on the Ground.

Yours faithfully,

Patricia Dow,