

## NOTICE TO EMPLOYER

### CONSTITUTIONAL RIGHT TO REFUSE TO CONSENT TO ANY MEDICAL SERVICE

1. I do not consent to any medical procedure, such as vaccination.
2. The doctor patient relationship is a contract and therefore voluntary in law, **Breen v Williams HCA 1996**  
**BRENNAN CJ**
  3. **the doctor undertakes by the contract** between them to advise and treat the patient with reasonable skill and care.
3. No Medical service can be forced against your free will and is strictly prohibited under sect 51(xxiiiA) of the Constitution.
4. Another example is found in case law, **Wong v Commonwealth HCA 2009**

#### **KIRBY J**

125. Normally, in our society, the provision of "medical and dental services" occurs pursuant to a private contract entered into between the healthcare provider and the patient[152]. The purpose of incorporating a prohibition on "civil conscription" in the provision of such services is thus to preserve such a contractual relationship between the provider and the patient, at least to the extent that each might wish their relationship to be governed by such a contract.

126. In this sense, the prohibition is expressed for purposes of protection, including a protection extending to the patient. It is designed to ensure the continuance in Australia of the individual provision of such services, as against their provision, say, entirely by a government-employed (or government-controlled) healthcare profession.

127. This does not mean that there cannot be the provision of "medical and dental services" otherwise than by individual suppliers, including for example public hospitals and private insurers. However, the prohibition on "any form of civil conscription" is designed to protect patients from having the supply of "medical and dental services", otherwise than by private contract, forced upon them without their consent.

128. A rare constitutional guarantee: Because of its character as a guarantee or protection, both for the healthcare professionals identified and for the patients affected by the provision of their services, the exclusion of any form of "civil conscription" must be seen as one of the rare instances of an individual guarantee and protection spelt out in the Australian Constitution. The fact that the Constitution has taken the trouble to afford such a guarantee is a strong reason for upholding a broad ambit for the prohibition, to the full extent that the words permit. It is a reason for rejecting an unduly narrow reading.

***Any requests by the employer to force medical services upon me, not limited to vaccination, must be in writing and in a form that is in a permanent form and readily accessible at any time.***

Regards,

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Date

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