

# Guardians of Sovereignty

P/O Box 1049  
Frankston VIC 3199

The Honourable Scott Morrison MP  
Prime Minister  
Parliament House  
CANBERRA, ACT 2600

Dear Prime Minister

## **Re: Withdrawal of Amendment to extend the Public Health and Wellbeing Act Emergency Declarations in the state of Victoria**

We speak on behalf of a growing group of Australian residents, including those that live in the State of Victoria. We are concerned about the evolving circumstance in Victoria and also represent the future interests of those in other Australian jurisdictions, that what is happening in Victoria, not be replicated. The group, so constituted and for whom we are authorised to represent comprises some 850,000 persons (on a direct basis and through our affiliated networks).

WE THE PEOPLE, for the purposes of this correspondence and the ensuing actions and accountabilities are known as Guardians of Sovereignty.

The purpose of this letter is to communicate a summary of our concerns that the decision-makers at the Federal Government level and State have acted disproportionately in relation to their assessment, response and management of the public health risks associated with SARS-COV-2 and In particular to advise that the Victorian Premier is in breach of The Emergency Management Act 1986 (Vic) - Section 23(7).

There are two outcomes we are seeking from this correspondence:

1. The Prime Minister direct the Victorian Government to cease its unconstitutional violations and to immediately retract the Victorian State of Disaster and all ensuing requirements for curfews, business shutdowns, 5km radius travel ban, increased Police powers, surveillance and remote learning. This Constitutionally Lawful instruction is to be complied with.
2. The Amendment to extend the Public Health and Wellbeing Act Emergency Declarations beyond 6 months, be withdrawn.

Under the AGCMF, chaired by the Australian Chief Medical Officer, the Australian Health Protection Principal Committee ('AHPCC') has been nominated as the peak health emergency management committee responsible for preparing and coordinating the response to national health crises.

### **Summary:**

Given the National State of Emergency and the fact that the contagion represents a national health risk that invokes numerous quarantine powers, we say that the State of Victoria needs to ensure that they operate within

the Federal Legislative Framework and that any laws and directives passed by them should complement and be compliant to that framework.

The Biosecurity Act 2015 is posited on an important assumption that people are healthy until they are shown to be a health risk. This means that all biosecurity measures involving matters of quarantine including isolation, detention, treatment, vaccinations, obtaining bodily samples through testing and examinations, contact tracing and wearing clothing and equipment must not be imposed on any Australian resident without a proper assessment of their individual risk including the issue of a biosecurity control order issued to the individual under Subdivision B of Division 3 of Part 3 of Chapter 2 of the Biosecurity Act 2015.

Pursuant to section 475 of the Biosecurity Act 2015, the Governor-General of Australia, acting on behalf of the Commonwealth of Australia made a Declaration Order on 18 March 2020 that biosecurity emergency requirements and directives, made under sections 477 and 478, are to be set by the Federal Health Minister. These quarantine powers should take precedence over any other Australian laws (with specific applicability to the State of Victoria).

The Andrews Government has ignored safeguard provisions in its own respective Public Health Acts that ensure that people be confirmed as a verifiable risk and issued the appropriate public health orders before any interventions or restraints. Also, healthy people with no signs and symptoms have been required to have an Influenza Vaccination if they are to access their jobs and visit loved ones at aged care facilities or detained in hotel quarantine at cross borders in the absence of probable cause. Of equal concern is the proposed notion of a "health passport" that for all intents and purposes serves as a mandated vaccination.

In so mandating, Daniel Andrews, Premier of Victoria has exceeded constitutional and legislative powers by bringing in directions and laws under his public health and emergency legislation, that allows for the use of force and issuing general directions, that involve biosecurity measures, in the absence of biosecurity control orders and/or public health orders, to groups of healthy individuals.

These directives are tantamount to torture under "The International Human Rights Act" laws, signed by the Australian Government. Mandatory Vaccinations are indictable war crimes. ANY forced vaccination "surgery" contravenes Article 5 of "The International Human Rights Act". It further contravenes the Nuremberg Code Trials; the Geneva Convention; and "The Commonwealth of Australia Constitutional Act" enacted 1<sup>st</sup> January 1901.

Armed with the knowledge that the causal fatality rate in Australia is as low as 1.38%, the Andrews Government is ignoring the operation of the Biosecurity Act 2015, the Constitution, and various human rights legislative frameworks. The Premier is using the contagion as a platform to instil technocratic agendas that will see the Police, Health Services and other instruments of government being provided with unprecedented powers over citizens. Businesses are being destroyed and our economy ruined, resulting in a significant increase in suicides, family violence, child abuse and mental illness, and human rights and privacy rights abrogated.

WHO wants the world to believe that asymptomatic people are infectious and yet the WHO has admitted that such a risk only constitutes a percentage between 0% to 2.2%.

Unfortunately, in Australia, laboratory technicians were advised by our Governments:

*'any coronavirus reported by a laboratory as having detected SARS-COV-2 on PCR will be treated as positive for the purposes of public health actions, regardless of repeat testing of the sample. It is not appropriate to advise a patient that a test is false positive without prior consultation with the department.'*

Such a practice is not only unacceptable but it also poses a serious risk of inflating the figures reported as COVID-19 when they are false positive outcomes and constitutes a serious interference of the private rights between patients and their doctors and/or clinicians. Additionally, this approach creates a basis for the false attribution of probable cause, legitimising unlawful interventions and detentions that further erode people's rights and freedoms.

It appears that many of the COVID-19 numbers of infected people being reported nationally, and particularly in Victoria are suspect cases, rather than probable or confirmed cases. Recordings of the cause of death as COVID-19 when family members clearly passed away from pre-existing conditions unrelated to COVID-19 is a regular occurrence. In some instances, the family member merely tested positive for COVID-19 but were asymptomatic.

The Australian Bureau of Statistics *'Guidance for Certifying Deaths due to COVID-19'* states: *'The new coronavirus strain (COVID-19) should be recorded on the medical cause of death certificate for ALL decedents where the disease caused, or is assumed to have caused, or contributed to death.'* So even if COVID-19 is merely assumed or contributed to the death, it will be recorded as the cause of death.

### **State of Disaster in Victoria**

The State of Emergency under the Public Health and Wellbeing Act 2008 (Vic) lapsed on 17 August 2020, despite the further directive to extend it until 13 September 2020.

The maximum six-month state of emergency declaration under the Act has expired. Daniel Andrews, Premier of the State of Victoria has instructed the Solicitor-General to draft an open time Amendment for the Act.

Andrews must get the Amendment through both houses of Parliament to be successful and will recall Parliament any day now. He DOES NOT have a majority in the Legislative Council (Upper House).

Contemporaneously with the alleged State of Emergency, Victoria is currently operating under the State of Disaster.

The State of Disaster declaration is UNLAWFUL insofar as the Victorian Premier has not complied with the clear requirements set out under subsection 23(7) of the Emergency Management Act 1986 (Vic):

*'If a state of disaster has been declared under this section the Premier must report on the state of disaster and the powers exercised under section 24 to both Houses of Parliament as soon as practicable after the declaration if Parliament is then sitting and if Parliament is not then sitting as soon as practicable after the next meeting of Parliament.'*

The Emergency Management Act 1986 (Vic) has no severance measures. This means the Minister cannot exclude a clause from the Act if he has failed to comply with it, thus leaving the rest of the Act's powers intact.

This means we, in fact, have **no state of Disaster or Emergency in Victoria at present** as the Victorian Premier, Daniel Andrews, has failed to comply with the Act - Section 23(7), which does not give to the Police Minister the powers under Section 24 of the Act to provide continuance of the lockdown.

The Victorian Premier had the opportunity to report to the Parliament when it last sat on 4 August 2020, and he failed to comply with subsection 23(7).

Considering the significant human rights breaches and the negligent mismanagement and constitutional breaches by the Andrews Government in going against the will of the people of Victoria, **IT IS OUR WILL THAT THE FOLLOWING INSTRUCTIONS ARE FOLLOWED:**

1. The Prime Minister direct the Victorian Government to cease its unconstitutional violations and to immediately retract the Victorian State of Disaster and all ensuing requirements for curfews, business shutdowns, 5km radius travel ban, increased Police powers, surveillance and remote learning. This Constitutionally Lawful instruction is to be complied with
2. The Amendment to extend the Public Health and Wellbeing Act Emergency Declarations beyond 6 months, be withdrawn.

This is to be enacted by no later than close of business 4<sup>th</sup> September 2020

We, in advancing this directive, reserve the right to institute appropriate legal actions and proceedings to bring immediate resolution to the sufferance being imposed and to make claims, as appropriate for restitution of the losses incurred and the pain suffered.

Dated this 27<sup>th</sup> day of August 2020

Signature: *Jacqueline Anne Dundee*

Name: Jacquie Dundee Muller

Press Office: PR:PD

CC: His Excellency General the Honourable David Hurley AC DSC (Retd)  
Governor-General of the Commonwealth of Australia

The Hon Mr. Christian Porter, Attorney General

The Hon. Anthony Albanese MP

Chief of the Defence Force - General Angus Campbell

**Premiers & State Opposition Leaders**

The Hon. Daniel Andrews MP

The Hon. Gladys Berejiklian MP

The Hon. Anastacia Palaszczuk MP

The Hon. Steven Marshall MP

The Hon. Peter Gutwein MP

The Hon. Michael Gunner MLA

The Hon. Andrew Barr MLA

The Hon. Mark McGowan MLA

The Hon. Michael O'Brien MP

The Hon. Jodi McKay MP

The Hon. Deb Frecklington MP

The Hon. Peter Malinauskas MP

The Hon. Liza Harvey MP

The Hon. Rebecca White MP

The Hon. Alistair Coe MP

The Hon. Liza Finocchiaro MP

**Chief Health Officers**

Dr. Brendan Murphy – Chief Medical Officer

Dr Brett Sutton - Chief Health Officer

Dr. Kerry Chant – Chief Health Officer

Dr Jeannette Young – Chief Health Officer

Associate Professor Nicola Spurrier - The **Chief** Health Officer

Dr. Andy Robertson – Chief Health Officer

Dr. Brendan Murphy – Chief Health Officer

Dr Andrew Pengilley – A/Chief Health Officer

Hugh Heggie - Chief Health Officer

**Commissioners of Police**

Chief Comm. Shane Patton

Comm. Michael Fuller

Comm. Katarina Carroll

Comm. Grant Stevens

Comm. Chris Dawson

Comm. Darren Hine

Dep. Comm. Neil Gaughan