

Ms Lizzie Blandthorn MP,
Chair, Scrutiny of Acts and Regulations

3rd October 2015

Dear Ms Blandthorn,

Re: Public Health and Wellbeing Amendment (No Jab, No Play) Bill 2015

I am writing to you to express my strong opposition the proposed changes, known as the No Jab, No Play Bill.

As a parent of two healthy young boys, aged 2 and 4 respectively who have not been vaccinated (formally registered as conscientious objectors) this announcement would create a significant financial burden on my already stretched household budget and be extremely detrimental to my eldest boy who is on the Autism Spectrum.

My eldest boy has been diagnosed as being on the Autism spectrum (not caused by vaccinations as he hasn't been vaccinated) and as a part of his early intervention therapy our paediatrician has recommended a submersion approach which involves him being surrounded my normal developing children so as that he can learn from their behaviours. This takes place in the day care environment and the results have been outstanding. He also participates in weekly speech therapy, and special needs swimming lessons. Sadly however if the government's announcement is passed and becomes legislation I simply will not be able to provide my son with all the therapy and in particular the day care he so desperately needs.

I have done my own extensive research and spent countless numbers of hours researching the topic of vaccination, weighing up the pros and cons and for a number of reasons I have drawn the conclusion not to vaccinate my children. This decision was not taken lightly, but most importantly the choice I have made is totally legal and available to anyone in Australia as we are fortunate enough to live in a democracy where we can enjoy the freedom of our own religious and medical convictions.

My choice however is considered by most to be unorthodox and clearly places me in the minority. According to the governments own statistics more than 90% of parents in Australia do in fact accept the risks that are associated in vaccinations and proceed in vaccinating their children. However like any other medical procedure the choice to vaccinate does not come without associated risks as no pharmacologic agent, including vaccines, can be considered 100 per cent safe.

Being proudly Australian, I was horrified to hear of these changes as I believed that we live in a democracy with freedoms such as choice of religion and medical convictions.

Whilst I can appreciate that it is the responsibility of the government to protect public health, I strongly believe that it is overstepping its responsibility with these proposed changes given that we already have a 92% overall immunisation rate, furthermore there is no health emergency or disease epidemic that would warrant the introduction of such a dramatic change to current legislation.

According to the Australian Child Immunisation Register (ACIR), the rate of registered conscientious objectors was only 1.77% at the end of 2014, so clearly the majority of children who have not been vaccinated or are not up to date with their vaccinations are for reasons other than conscientious.

So my point is this, if we live in a free democratic country where we are free to make informed choices as to the health of ourselves and our own children, then why will I be penalised by not being able to send my children to daycare/preschool for making an informed choice that is available and perfectly legal for each and every Australian.

The oxford dictionary meaning for “penalty” is:

A punishment imposed for breaking a law, rule, or contract:

Whilst I will agree that the proposed legislation does not serve to mandate vaccinations, it does border very close to the line. Childcare is an essential service that all children should have the right of passage to. Those parents who are intent on not having their children vaccinated will be faced with the real dilemma of going against their own medical convictions and be pressured into deciding on whether to drop out of their employment to care for their children or vaccinate them against their wishes just so as that they can participate in a service that should be available for all children without any discrimination. The government may call this “increasing immunisation rates” I, like many others would call this coercion which is clearly in breach of the 10th edition of the Australian Immunisation handbook which clearly states:

For consent to be legally valid, the following elements must be present:

- *It must be given by a person with legal capacity, and of sufficient intellectual capacity to understand the implications of being vaccinated.*
- ***It must be given voluntarily in the absence of undue pressure, coercion or manipulation.***
- *It must cover the specific procedure that is to be performed.*
- *It can only be given after the potential risks and benefits of the relevant vaccine, risks of not having it and any alternative options have been explained to the individual.*

Given that I have already lodged a Conscientious Objection form, the Australian/Victorian Government is fully aware that I do not wish for my children to be vaccinated, however now with the recent announcement that my children will no longer be able to attend daycare, my wife or I will need to leave work in order to care for our children, this would jeopardise my eldest son’s Autism

therapy and also place significant financial pressure on the family income. The proposed changes contained in this Bill are nothing short of bullying, and ultimately mean that the government is trying to add significant mental and financial pressure on my family in order to coerce me into vaccinating my children against my medical convictions. This tactic is clearly in breach of the governments own handbook which I must reiterate clearly states ***“It must be given voluntarily in the absence of undue pressure, coercion or manipulation.”***

Regardless of what your point of view is on the topic of vaccination, what the government has announced is not only unethical but I believe it also to be illegal.

This type of legislation is contrary to both Australian and International Law.

Our Constitution expressly prohibits civil conscription in order to receive welfare or childcare benefits - section 51, 23A which reads.

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:

(xxiiiA) the provision of maternity allowances, widows' pensions, child endowment, unemployment, pharmaceutical, sickness and hospital benefits, medical and dental services (but not so as to authorize any form of civil conscription), benefits to students and family allowances;

This proposed legislation is also contrary to international human rights laws to which Australia is a signatory.

Article 1 of the UN *“Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief”*, states that:

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have a religion or whatever belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice.

3. Freedom to manifest one's religion or belief may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others.

I appreciate that government is committed to implementing the proposed changes to the relevant legislation and that there is little that I can say or do that would persuade you otherwise, however as you would be aware no pharmacologic agent, including vaccines, can be considered 100 per cent safe.

I would urge the government to at least include the following exemptions to those already drafted under clause 143C of the Draft Bill.

1. Children who are the holders of a healthcare card.

I note that clause 143C (e) includes an exemption for those children whose parents are the holder of -

“(i) a health care card issued under section 1061ZS of the Social Security Act 1991 of the Commonwealth;”

According to the explanatory memorandum that was attached to the proposed Bill the intent of this exemption is to cater for certain disadvantaged and vulnerable children.

Given the intent of this clause, it should equally apply to the children that are the holders of healthcare cards and not just their parents, as they too should be considered equally disadvantaged.

As the parent of an Autistic child who is the holder of a Health Car Card I strongly urge the addition of this clause.

2. Conscientious objectors

The inclusion of a conscientious objector as exemption would still allow a very small minority to attend daycare based on the wishes of their parents. Children should not be disadvantaged based on the decisions of their parents.

Conscientious objectors are not choosing to not immunise their children simply because they don't have the time or it is inconvenient, they have spent many hours researching the topic and have made an informed choice which was not taken lightly, a choice that has had to be signed off by a medical practitioner. Whether you agree or disagree with the decision of a conscientious objector, ultimately their decision is legally valid and should be treated the same.

In summary, it will no longer be possible for me to provide the full care that my autistic son so desperately needs if the proposed legislation is passed.

Early intervention therapy for Autistic children is known to be the most effective in ensuring that Autistic children do not grow into adults that are a burden on our society.

There are many other parents that will need to leave their jobs if they can no longer afford childcare or be forced to vaccinate their children (against their will) in order to keep their jobs.

This ***is not*** informed consent, this is coercion which amounts to nothing less than being illegal. To impose this legislation, not only breeches human decency, but also Australian Informed Consent

Laws and The Australian Constitution which guarantees Australians political, medical and religious freedom.

Finally, I have also sought advice from senior legal counsel and have been advised that should the proposed legislation be passed and become law that we have a strong case to mount a challenge to the legality of these amendments, and it is with this advice that I respectfully place the Victorian government on notice.

Should you have any questions please feel free to contact me.