

The Hon Elizabeth Blandthorn
Scrutiny of acts and regulations committee.
Parliament House, Spring Street
Melbourne VIC 3002

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

Dear Ms Blandthorn,

The medical procedure of Vaccination carries with it inherent risk. The World Health Organisation concedes that although rare, "vaccine injuries can be severe and complex, and are often suffered by children who require a lifetime of care" [1]. They can even result in death [2] [3] [4] [5].

The freedom to make voluntary decisions about what you are willing to risk your life or the life of your child for is a human and civil right. The proposed amendment to the Public Health and Wellbeing Act seeks to take away the right of conscious objection to vaccination for enrollment in childcare and early learning. I believe this bill to be severely discriminatory and contravene Section 10.c (Medical treatment without full, free and informed consent) and Section 14 (Freedom of thought, conscience, religion and belief) of the Charter of Human Rights and Responsibilities Act 2006.

For those parents who rely on access to child care services in order to participate in the workforce or self-development activities such as study, the proposed bill amounts to an effective mandate or 'practical compulsion'. The concept of 'practical compulsion' was defined by Justice Webb in *British Medical Association v The Commonwealth*. ([1949] HCA 44; (1949) 79 CLR 201)

"To require a person to do something which he may lawfully decline to do but only at the sacrifice of the whole or a substantial part of the means of his livelihood would) think, be to subject him to practical compulsion. [...] If Parliament cannot lawfully do this directly by legal means it cannot lawfully do it indirectly by creating a situation, as distinct from merely taking advantage of one, in which the individual is left no real choice but compliance." [6]

Without keeping the provision for conscious objection, currently afforded by the Public Health and Wellbeing Act, parents will not be able to make a free and informed choice about whether to vaccinate their children. For these working/studying parents this decision will be made with undue financial pressure and coercion. Section 2.1.3 of the 10th edition of the Australian Governments' Immunisation Handbook states: legally valid consent can only be given "voluntarily in the absence of undue pressure, coercion or manipulation". Consequently any working/studying parent opposed to any or all vaccinations is not free to hold and exercise their belief nor can they approach the decision of vaccinating their child with free and informed consent.

Kind regards,

Josie Fitt

Citations

[1] [Online]. Available: <http://www.who.int/bulletin/volumes/89/5/10-081901/en/>.

[2] "351876 deaths from vaccination reported to The Vaccine Adverse Event Reporting System (VAERS) from January 2000 - September 2015.," [Online]. Available: <http://www.medalerts.org/vaersdb/index.php>.

[3] "Deaths linked to flu vaccines," [Online]. Available: <http://www.theaustralian.com.au/news/health-science/deaths-linked-to-anti-flu-vaccines/story-e6frg8y6-1226441791947>.

[4] "Settlement-for-saba-button-severely-disabled-by-flu-vaccine," [Online]. Available: <http://www.abc.net.au/news/2014-06-06/settlement-for-saba-button-severely-disabled-by-flu-vaccine/5505632>.

[5] "There is a highly statistically significant correlation between increasing number of vaccine doses and increasing infant mortality rates.," [Online]. Available: <http://www.ncbi.nlm.nih.gov/pubmed/21543527>.

[6] [Online]. Available: <http://www.austlii.edu.au/au/cases/cth/HCA/1949/44.html>.