

[REDACTED]

From: Anil Mustafa <[REDACTED]>
Sent: Tuesday, 29 September 2015 7:51 PM
To: SARC
Subject: submission regarding No Jab, No Play policy

To SARC,

I write regarding the proposed introduction of the No Jab, No Play policy that is currently being fast tracked for approval.

I strongly object to its introduction under the grounds that is discriminatory and in violation of human rights. Firstly, I highlight the below:

Victorian Charter of Human rights

Section 8

This dictates that everyone is entitled to equal and effective protection against discrimination, and to enjoy their human rights without discrimination. Banning unvaccinated children from childcare is absolutely discrimination for the following reasons:

- - Unvaccinated children are seen as a threat to those that are meant to be protected by vaccination. How can it be ethical to deny a child entry to childcare because of the possibility of them passing on diseases they don't have, particularly in light on the next point?
- - Freshly vaccinated children are considered contagious for up to 15 days following the Rotavirus vaccine (given at 2, 4, 6 mo), up to 28 days following the MMR vaccine (given at 12mo) and up to 6 weeks following the Varicella vaccine (given as part of MMRV at 18mo). The vaccine package insert states that those freshly vaccinated with the above vaccines should avoid contact with pregnant woman & immune-compromised individuals. The legislation doesn't propose to ban those children from childcare during the period of being contagious. How is it ethical to deny a child who doesn't carry a disease access to childcare but allow freshly vaccinated children access when they can potentially pass on the very disease they have just been vaccinated for?
- - A childcare centre cannot refuse enrolment for a child diagnosed with hepatitis b but under this policy, a child who hasn't had their hepatitis b vaccine could be. Where is the logic in this?

Section 14

This section states that people have the freedom to think and believe what they want. Under this proposed legislation, people who follow certain religions or are vegans would be forced to go against their beliefs in order to vaccinate their child to access childcare services. For example, to meet the requirements of this legislation, a vegan would have to allow their child to be injected with animal by-products (including but not limited to, bovine serum, monkey kidney cells, chicken embryo cells, pig tissue, dog kidney cells & mouse brain cells). If a vegan felt it was wrong to consume animal products and use products tested on animals, how is this proposed legislation not forcing them to go against their beliefs when the only choice is uptake of vaccination or quitting work due to lack of affordable child minding services?

Section 17

This states that families and their children are entitled to protection. As a vaccine injured adult, I absolutely feel my rights are being impinged on. Forcing me to choose between not working or exposing my children to the same potential harm or worse from vaccination stops me from exercising my right to protect my family.

Section 19

This suggests that people can enjoy their culture, declare and practice their religion. Many vaccines contain pig tissue and use tissues of aborted foetuses and DNA. For those whose cultural beliefs do not allow them to eat pork, or for those whom appose abortion, forcing them to vaccinate absolutely violates their cultural beliefs.

Valid consent

Furthermore, this policy contradicts the governments own guidelines set out in the Immunise Australia handbook which defines 'Valid Consent' (2.1.3) as follows:

“Valid consent can be defined as the voluntary agreement by an individual to a proposed procedure, given after sufficient, appropriate and reliable information about the procedure, including the potential risks and benefits, has been conveyed to that individual”. Section 2 then goes on to say that for consent to be legally valid:

“ It must be given voluntarily in the absence of undue pressure”

This legislation attempts to remove medical autonomy from parents by removing informed consent. When there is any form of coercion or duress, there cannot be informed consent. Affecting the livelihood of a family is not informed consent. It is bribery.

Universal Declaration on Bioethics and Human Rights

I believe this legislation would also be in direct breach of the Universal Declaration on Bioethics and Human Rights - Article 6:

1. Any preventive, diagnostic and therapeutic medical intervention is only to be carried out with the prior, free and informed consent of the person concerned, based on adequate information. The consent should, where appropriate, be express and may be withdrawn by the person concerned at any time and for any reason without disadvantage or prejudice.

Nuremburg code

Lastly this legislation is also in breach of the Nuremburg code. The code states that the 'needs of the individual must come first' and that the 'voluntary consent of the individual is absolutely essential.' Voluntary consent in the absence of coercion are required for any medical procedure.

Please take this information and consider the implications it will have if this legislation is passed. Bribing parents into a medical procedure with known serious reactions including death is a direct violation of individuals rights. If passed, it opens the door to a slippery slope of further violation for individuals who do not bow down to the pressure of government mandates. Will unvaccinated children then be banned form parks? Hospitals? No access to Medicare? Shopping centres? Where will it end?

Thank you for your time and I truly hope you give this issue the serious attention it deserves.

Signed,

Anil Mustafa

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