

Health and Ambulance Services Committee

From: Sam McCulloch [REDACTED]
Sent: Monday, 24 August 2015 9:16 PM
To: Health and Ambulance Services Committee
Subject: Health and Ambulance Services Committee

Follow Up Flag: Follow up
Flag Status: Completed

RE: Public Health (Childcare Vaccination) and Other Legislation Amendment Act 2015

I write to express my strong objection to this legislation that allows education and care services to exclude children who are not fully vaccinated from daycare and kindergarten.

This legislation attempts to remove the cornerstone of medical care - informed consent. There cannot be informed consent when there is any form of coercion or duress. It is forcing parents to choose between access to education and care services or having a medical procedure that they have reason to wish to delay or avoid.

As such, I believe this legislation would 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 The consent should, where appropriate, be express, and may be withdrawn by the person concerned at any time and for any reason without disadvantage or prejudice.

(http://portal.unesco.org/en/ev.php-URL_ID=31058&URL_DO=DO_TOPIC&URL_SECTION=201.html)

The legal requirements of consent are also specified in the government's own Australian Immunisation Handbook:

2.1.3 Valid consent

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.

(<http://www.immunise.health.gov.au/internet/immunise/publishing.nsf/Content/Handbook10-home~handbook10part2~handbook10-2-1>)

Therefore any medical practitioner who vaccinates a child knowing parental consent is only given in order to receive an enrolment in an education or care service is acting outside the law and breaching human rights.

The proposed legislation will do very little to boost vaccination rates, but rather will disadvantage children whose parents have valid, researched, well considered reasons for choosing not to vaccinate their children. All families who choose vaccination for their child should have timely and simple access to the procedure, adequate reminders and information on the risks and benefits of the procedure, while at the same time allowing allow conscientious, religious and medical objections and exemptions with no disadvantage or prejudice.

I strongly urge you to reconsider your position on this matter and choose to uphold the law of informed consent and basic human rights.

Regards,

Sam McCulloch

