

August 26th 2015

To the Health and Ambulance Services Committee;

Re: Submission to Committee on Proposed Vaccine Legislation Amendment.

I am writing to express my concern over the Queensland parliament's proposed legislation to ban unvaccinated children from childcare services.

I believe this bill to be discriminatory; it lacks consideration of inadequate safety data surrounding vaccination; and contravenes 'informed consent'.

1. Discrimination and human rights

This bill is discriminatory in nature. Refusal to allow a child's enrolment for attendance at a child care service unless proof of immunization is provided, is punitive and blocks children from accessing essential care services. This particular legislation breaches numerous articles in the Universal declaration of human rights, namely, Articles 25 and 26.

Article 25:

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

Note the key phrase in this article- 'Everyone has the right to...medical care and necessary social services.' Putting restrictions on access to necessary social services, such as child care, can cause some families and children to be severely disadvantaged, which is not the intention of Human rights article 25.

Article 26:

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

According to this article, Parents should be free to choose the kind of education (and one can infer- education related service) without restrictions. Article 26 (1) also states that education should be free (of restrictions and accessible).

Where rights have been imbued on a subject, I believe it stands to reason a subject should be allowed to opt out of services (or medical procedures such as vaccinations) without penalty or coercion.

2. Research consistently fails to provide adequate data when it comes to the safety and effectiveness of vaccination.

The Cochrane Review of the acellular vaccines for preventing whooping cough (pertussis) in children found that 'deaths from whooping cough are rare (in high-

income countries) and that ‘most...vaccines have not been adequately studied for efficacy.’¹

Accordingly, pertussis and influenza can both still be transmitted amongst young children.

The Cochrane review also finds ‘the design and reporting of safety outcomes in MMR vaccine studies...are largely inadequate’ and that ‘influenza vaccines were associated with serious harms such as narcolepsy and febrile convulsions’.

If there is a risk of harm, Parents should be allowed to choose not to vaccinate their child, and not be penalized, through draconian restrictions to child care.

3. Forcing Children (and adults) to be fully vaccinated before gaining access to a service contravenes the medical premise of informed consent outlined in the Nuremburg code.

The Nuremburg code discusses “informed/voluntary consent’ and that informed consent is vital to medical procedures.

‘The person involved should have legal capacity to give consent; should be so situated as to be able to exercise free power of choice, without the intervention of any element of force, fraud, deceit, duress, over-reaching, or other ulterior form of constraint or coercion; and should have sufficient knowledge and comprehension of the elements of the subject matter involved, as to enable him to make an understanding and enlightened decision.’²

The Victorian government website supports this. It reads, ‘Informed consent means that you understand your condition and any proposed medical treatment. You have a legal right to be told any information that relates to your medical condition and treatment. Without this information, you are not able to make a fully informed choice and give valid consent for treatment.

Your doctor has a duty to explain your medical condition, the recommended treatment (including the other treatment options available) and the benefits, risks and possible complications of the recommended treatment. This is essential so that you can make a decision.

This is known as ‘informed consent’. Once the information is given, the doctor may ask you to sign a consent form. When signed by you, this form gives the doctor legal permission to perform the procedure.’

¹ http://www.cochrane.org/CD001478/ARI_acellular-vaccines-for-preventing-

² "Trials of War Criminals before the Nuremberg Military Tribunals under Control Council Law No. 10", Vol. 2, pp. 181-182. Washington, D.C.: U.S. Government Printing Office, 1949, Retrieved from <http://www.hhs.gov/ohrp/archive/nurcode.html>

Taking away the ability of parents to object to a medical procedure (and have that conversation with their doctor), and only allowing medical exemptions (which are very difficult to get), before they can access child care services contradicts informed consent.

I urge you to consider the following statement from the Australian Medical association.

“You don’t need everyone to be immune to prevent an epidemic occurring. If 90 per cent or more are immune, they create sufficient fire breaks to prevent the easy transfer of most infectious diseases. So, good levels of public health could be maintained even if the CO rate climbed substantially – which it is not likely to do in real terms.”³

So, according to the Australian Medical association, you don’t need everyone to be immune to prevent an epidemic.

‘In practical terms we are not facing an immunisation crisis’ so why do parents need to be coerced and manipulated into getting their child vaccinated?

I urge the Health and Ambulance Services Committee to consider all submissions against this bill and vote against it.

Yours Sincerely,



Mrs Lara Warwick
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■ Australian Medical Association, *Are conscientious objectors wrecking our immunization program?* 2012
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