

Submission to Health and Ambulance Services Committee – Queensland Parliament

Re: Public Health (Childcare Vaccination) and Other Legislation Amendment Bill 2015

[1] Recommendations

- [1.1] Those sections of the Bill seeking to amend the Public Health Act 2005 should be opposed.
- [1.2] If the committee decides to support the Bill's vaccination requirement, it should also recommend amendment of the Bill to provide for exemptions to the vaccination requirement on philosophical or religious grounds in accordance with Recommendation 2 of the 2013 parliamentary inquiry¹.
- [1.21] Evidence required to satisfy an exemption to the vaccination requirement on philosophical or religious grounds should be in the form of a signed statement by parents or guardians to that effect.
- [1.3] Amendments to the Public Health Regulations should not provide for the exclusion of unvaccinated case contacts during outbreaks in excess of that provided in current practice guidelines².

[2] A vaccination requirement to attend child care is illegal and invalid

- [2.1] The vaccination requirement violates human rights instruments to which Australia is a signatory.
- [2.1.1] Article 18 of the Universal Declaration of Human Rights (UDHR) protects the right to freedom of thought, conscience and religion³. I have a conscientious belief against vaccination and the UDHR does not distinguish between beliefs informed by religious doctrine and those informed by conscience or philosophy – these beliefs are equal at law.
- [2.1.2] Article 23 of the UDHR protects the right to work. The vaccination requirement prevents parents with a belief against vaccination from accessing child care services which permit them to work, and which they subsidise through their taxes.
- [2.1.3] Article 26 of the UDHR protects all children's right to an education. The vaccination requirement violates the right of unvaccinated children to access early education services if their parents have a belief against vaccination.
- [2.2] The parliament does not have the power to legislate a vaccination requirement to attend child care in conditions when no infectious disease outbreak is occurring. Such a requirement amounts to an application of an emergency quarantine power, exclusively to unvaccinated, but otherwise healthy children.
- [2.3] The vaccination requirement is invalid because it interferes with the ability to give informed consent freely, without

¹ Report No. 29 Health and Community Services Committee September 2013, p2

<http://rti.cabinet.qld.gov.au/documents/2014/feb/pmb%20unvaccinated%20children/Attachments/Committee%20Report.pdf>

² Department of Health Queensland, 2014, Time Out

https://www.health.qld.gov.au/ph/documents/cdb/timeout_poster.pdf

³ The Universal Declaration of Human Rights

<http://www.un.org/en/documents/udhr/>

coercion. I am unable to comply with the requirement due to my conscientious belief against vaccination.

[2.4] The vaccination requirement is invalid because doctors or nurses cannot accept consent from people who have a belief against vaccination.

[2.3] The vaccination requirement violates the Commonwealth Disability Discrimination Act (DDA) and the Queensland Anti-Discrimination Act (ADA).

[2.3.1] Being unvaccinated is a protected attribute under the Commonwealth DDA by virtue of the definition of disability as: *the presence in the body of organisms capable of causing disease or illness; and includes a disability that: may exist in the future (including because of a genetic predisposition to that disability)*⁴.

[2.3.2] Being unvaccinated is a protected attribute under the ADA when opposition to vaccination is based on: a religious belief or religious activity; or a political belief or activity⁵.

[2.3.3] The Bill seeks to illegally limit the operation of the DDA and ADA by exempting child care centres from liability for acts of unlawful discrimination in excluding unvaccinated children.

[3] **A vaccination requirement to attend child care is unnecessary to protect the public health**

[3.1] Vaccination is extremely popular and sells itself so compulsion is not required.

[3.2] By any standard, Queensland has extremely high vaccination rates.

[3.3] Herd Immunity is an elaborate scientific fraud. The 95% threshold allegedly required to produce such an effect is nothing more than a contrivance used to prop up the flawed science of vaccination.

The theory of herd immunity evolved from observations of disease patterns in animals, diseases which were believed to confer lifelong immunity. Vaccines - while once believed to confer lifelong immunity - are now accepted as being capable of conferring only short-term protection, if at all. For this reason, adults and children over five can still harbour and transmit vaccine-preventable diseases but are not counted in vaccination coverage statistics, the same statistics claimed to determine whether sufficient levels of vaccination have been achieved to provide a herd immunity effect.

If it was possible for a vaccine herd immunity effect to exist, the required threshold would need to consider vaccination coverage rates in children older than 5, as well as adults, many of whom have not been vaccinated for decades. The vaccine herd immunity threshold would also vary by disease if such an effect could be shown.

In addition, some vaccines are only capable of conferring an individual protection to vaccine recipients. Immunologist Tetyana Obukhanych has identified vaccines which are not capable of producing a herd immunity effect even if such an effect were to exist, and include Inactivated Polio Vaccine (IPV), Tetanus, Diphtheria, Whooping Cough, Hib, and Hepatitis B⁶.

⁴ Disability Discrimination Act 1992

https://www.comlaw.gov.au/Details/C2015C00252/Html/Text#_Toc422301339

⁵ Anti-Discrimination Act 1991 Qld

http://www.austlii.edu.au/au/legis/qld/consol_act/aa1991204/s7.html

⁶ Obukhanych, 2015, An Open Letter to Legislators Currently Considering Vaccine Legislation

<http://thinkingmomsrevolution.com/an-open-letter-to-legislators-currently-considering-vaccine-legislation-from-tetyana-obukhanych-phd-in-immunology/>

[4] Provision for exemption to the vaccination requirement on medical contraindication grounds is arbitrarily selective

[4.1] The Bill's single provision for exemption from the immunisation requirement on medical grounds is arbitrarily selective and defeats the stated purpose of the vaccination requirement as being necessary to protect the public health. If unvaccinated children are claimed to pose a risk to the public health, then by necessity, similarly unprotected children must also pose the same risk, and as such, should be subject to the same test applied to unvaccinated children and be similarly excluded. Using the same test applied to unvaccinated children, the following groups should also be excluded.

[4.1.1] those children with medical contraindication to vaccination.

[4.1.2] those children too young to have been vaccinated.

[4.1.3] those vaccinated children not protected due to not producing the required biological response claimed to confer immunity.

[5.0] Legislative precedent for philosophical and religious exemptions to a vaccination requirement

[5.1] Philosophical and religious exemptions have received legislative protection since a vaccination requirement was first enacted in Australian law in 1997⁷. Legislative protection for these exemptions was maintained in subsequent legislation which replaced this Act and remain in force to date⁸.

⁷ Child Care Payments Act 1997 (Commonwealth), s 8

<https://www.comlaw.gov.au/Details/C2004A05289/Html/Text#param10>

⁸ A New Tax System (Family Assistance) Act 1999 Commonwealth

https://www.comlaw.gov.au/Details/C2014C00170/Html/Text#_Toc386550788