

AVN's tips for lobbying Victorian MPs

For further information and references, please refer to AVN's submission to the Scrutiny of Acts and Regulations (SAR) Committee, Parliament of Victoria, addressing the Public Health and Wellbeing Amendment (No Jab, No Play) Bill 2015.

The SAR Committee has concurred with these arguments, it's not just the AVN's claims.

1.0 The Bill discriminates

A simple overview

The Bill discriminates. Only some unvaccinated children are prevented from going to child care. It doesn't stop other allegedly unprotected children from going if they fall into certain categories. What use is a Bill if it has that many loopholes?

And if an unvaccinated child is otherwise healthy, why can't he or she go to child care?

Some vaccines, such as Chickenpox contain live viruses. There is evidence that shows that the virus strain can be passed on to other children in close contact.

So the Bill indicates that an unvaccinated child poses a health risk, and evidence indicates that a vaccinated child could be a health risk...where's the logic?

Technically speaking

The discrimination is arbitrary in that it doesn't prohibit the enrolment of other unprotected children and adults including:

- (a) those who can't be vaccinated for medical reasons; and
- (b) those who are too young to have been vaccinated; and
- (c) those who have been vaccinated, but who are not protected due to not producing the required biological response claimed to confer immunity; and
- (d) those who were not vaccinated in utero; and
- (e) child care centre employees; and

It also doesn't propose the exclusion of children recently vaccinated with live attenuated vaccine viruses such as Chickenpox, even though there's a substantial body of evidence of vaccine associated disease arising from recent vaccination as well as transmission of vaccine strain viruses to close contacts.

How could unvaccinated, but otherwise healthy children pose a greater risk to other children than these groups of children such that they should be prevented from being enrolled in child care services? Is this Bill about ideology or rational risk assessments?

The government already has the power to exclude unvaccinated children during outbreaks of selected so-called vaccine-preventable disease, so how does excluding them when they're healthy enhance the public health? Where's the logic?

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2.0 A particularly ironic effect

A simple overview

*If the Bill is passed, conscientious objector parents can't send their children to child care. Why is it then that a Hepatitis B positive child **can** be enrolled and the parents don't even have to advise the child care centre of their child's positive status?*

Technically speaking

A particularly ironic effect of this Bill will be that conscientious objector parents will be prohibited from enrolling their children denied benefits on the basis their unvaccinated children allegedly pose a risk to other children, at the same time as parents of a Hepatitis B positive child will not be prohibited from enrolling their child and who are under no legal obligation to even advise a child care centre of their child's positive status! The hypocrisy knows no bounds.

*(Hepatitis B, Do I have to tell the school/day care that my child has hepatitis B?,
The Sydney Children's Hospital Network)*

<http://www.schn.health.nsw.gov.au/parents-and-carers/fact-sheets/hepatitis-b>

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3.0 Consent not given freely

A simple overview

Many parents need child care in order to work and bring money into the house.

Being ordered to go against your conscience and have your child vaccinated just so you can continue working can't be considered in any stretch of the imagination as consent that was freely given by the parent. Therefore it isn't valid legally.

Technically speaking

The Bill's immunisation requirement without conscience exemptions represents an effective mandate for those parents reliant on child care services in order to work.

Consent under such conditions cannot be said to be given freely, therefore is legally invalid.

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4.0 Our rights to choose

A simple overview

*The right to have access to subsidised child care services is part of Commonwealth law.
Politicians need to know that they will not take away our rights without a fight*

Technically speaking

The Bill conflicts with Commonwealth law by its effect to deny a benefit conferred by that law, namely the right to access subsidised childcare services (child care benefits).

The Commonwealth No Jab No Pay Bill has not been passed yet, even though it's being treated as a fait accompli by the Queensland and Victorian governments, but even if it's passed it will be the subject of legal challenges.

Politicians need to know that they will not take away our rights to choose without a fight!

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5.0 Less restrictive ways

A simple overview

If the government wants to increase vaccination rates, they should look at other less restrictive ways. Not some heavy-handed Bill that limits the rights of citizens.

Technically speaking

There are less restrictive means by which the government may achieve the purpose of the Bill which is to increase vaccination rates.

The charter requires that the government consider less restrictive ways to achieve their objectives before limiting the rights of its citizens or in this case a section of its citizens.

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6.0 Immunisation exemptions

A simple overview

The SAR Committee noted that New South Wales provides freedom of thought, conscience, religion and belief exemptions for immunisation requirements.

Technically speaking

In relation to our argument that the Bill limited the right to freedom of thought, conscience, religion or belief which is protected by the charter, the SAR Committee noted that an immunisation requirement to enrol children in childcare services in New South Wales provides for exemptions on such grounds, but made no recommendation to adopt such an exemption.