



## Compliance Notes

The following notes include further particulars of what I am informed are the requirements,<sup>1,3,7</sup> non-requirements<sup>4,6</sup> and definitions<sup>5</sup> regarding a contraindication judgment, and the procedural steps that have led to my certification and notification thereof, using this privately created form instead of the Australian Immunisation Register (AIR) *Immunisation medical exemption* form "IM011".

### [1] Relevant legislation

*Section 6(3)(a) of A New Tax System (Family Assistance) Act 1999* ("the Act") states:

*"The child meets the immunisation requirements if a general practitioner, a paediatrician, a public health physician, an infectious diseases physician or a clinical immunologist has certified in writing that the immunisation of the child would be medically contraindicated under the specifications set out in the Australian Immunisation Handbook."*

(<https://www.legislation.gov.au/Details/C2017C00264>, current as at 20 February 2018)

### [2] (Relevant only if I am a GP:) Available confirmation that I am a specialist GP and hence qualified to make this certification

Listings in the AHPRA online practitioner register (<http://www.ahpra.gov.au/Registration/Registers-of-Practitioners.aspx>) include "Registration Type". A Registration Type of "Specialist" in General Practice confirms that I am qualified.

Otherwise I am able to directly confirm that I am a "*general practitioner*" as defined in the *Health Insurance Act 1973*.

### [3] "Specifications set out in the Australian Immunisation Handbook"

I have taken into consideration the specifications set out in the Handbook, which include, *inter alia*, the contents of Compliance Note [4] below and the Handbook's referral to "*a specialist immunisation clinic, a medical practitioner with (more) expertise in vaccination, the immunisation section within (my) state or territory health authority, or (my) local Public Health Unit*" if I find it necessary to seek any further information that is available therefrom.

(*Section 2.1.4 Pre-vaccination screening of the Australian Immunisation Handbook*)

### [4] The Australian Immunisation Handbook's Disclaimer (most of which is published online only)

I make my certification with the awareness that the Handbook describes its contents as only "*a general guide*", that "*there are unaddressed scientific questions, complex medical practice issues and continuous new information, as well as differences in expert opinion*", that "*it is... possible that errors have been missed*" and that it is "*subject to clinician's judgement in each individual case*" (recognised as critically important by the Senate in its Notice of Motion of 23 Nov 2015, sheet #7798, and the AAT in par. 28 of the ruling referenced in Compliance Note [6] herein), and that accordingly the Australian Government refuses to accept any "*liability for any injury, loss or damage incurred by (my) use of or reliance on the information*" in the Handbook.

(*Section 1.2 Development of the Handbook*: <http://www.immunise.health.gov.au/internet/immunise/publishing.nsf/Content/Handbook10-home~handbook10part1~handbook10-1-2>

*Handbook Copyright and Disclaimer*: <http://www.immunise.health.gov.au/internet/immunise/publishing.nsf/Content/Handbook10-home~handbook10-Copyright-1>)

### [5] "Medical contraindication" definitions (in relation to vaccination) and relevant clauses in the medical Code of Conduct

According to the Department of Social Services, vaccination is medically contraindicated "*when... (vaccination) is not in the best interests of the child's health*" (<http://guides.dss.gov.au/family-assistance-guide/2/1/3/40>)

Based upon the medical Code of Conduct (Clause 5.2.1), it is contraindicated when it is not possible to have confidence that vaccination is "*necessary and likely to benefit the patient*", i.e. that the probability and degree of its benefit to the patient outweighs its risks (<http://www.medicalboard.gov.au/Codes-Guidelines-Policies/Code-of-conduct.aspx>).

The proper methodology for making the judgement is "*a systematic identification and synthesis of the best available scientific evidence... in an Australian health care setting*" (*Handbook Copyright and Disclaimer Note [4]* for link).

### [6] "Immunisation requirements" do not include use of AIR "IM011" form, nor disclosure of patient's private particulars

With respect to the AIR's "*Immunisation medical exemption*" form "IM011" (which unlike this form, is government-created), I am informed that the Administrative Appeals Tribunal has confirmed that "*its use*" "*goes beyond the requirements of the legislation*", and that the latter are met if "*a general practitioner certifies by letter*" what is certified by me in paragraph 2 herein (AAT, 15 Feb 2017, Review # 2016/S099196, pars 28-30, 40, 44-45). (See also Compliance Note [4] herein).

I am informed also that the Act does not require me to disclose the patient's relevant private particulars. I am legally required to uphold as paramount the right to patient confidentiality (as stipulated in medical Code of Conduct Clauses 3.2.3 and 3.4), as that right has not been waived on behalf of this patient. For that and/or other reason(s), I am compelled, or exercise the choice available to me, to not to use the AIR "IM011" form for my certification herein.

### [7] Legislative instruments stipulating the linked vaccination schedules

*Child Care Benefit (Vaccination Schedules) (Education) Determination 2015*

(<https://www.legislation.gov.au/Details/F2015L02101>, current as at 20 February 2018)

*Family Assistance (Vaccination Schedules) (DSS) Determination 2015*

(<https://www.legislation.gov.au/Details/F2015L01939>, current as at 20 February 2018)