



New South Wales

Public Health Amendment (Vaccination of Children Attending Child Care Facilities) Bill 2013

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Public Health Act 2010* as follows:

- (a) to prevent the enrolment of children at child care facilities unless immunisation certificates proving vaccination, or certificates as to conscientious objection to vaccination or medical contraindication for vaccination, are provided to principals of child care facilities,
- (b) to require such certificates to be kept as part of each child's immunisation record by a child care facility,
- (c) to make other consequential amendments.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on 1 January 2014 or such other day as may be appointed by a proclamation made before that day.

Schedule 1 Amendment of Public Health Act 2010 No 127

Schedule 1 [4] places a restriction on the enrolment of children at child care facilities unless vaccination evidence is provided. A principal of a child care facility must not enrol a child, or permit a child to enrol, at the child care facility unless the principal has been provided with an immunisation certificate indicating the child is age appropriately immunised or a certificate indicating that the child is following an approved catch-up schedule or certificates relating to diseases not covered by such certificates.

If the child is not vaccinated or being vaccinated for any specified vaccine preventable disease, certificates relating to conscientious objection to vaccination or medical contraindication for vaccination for that disease must be provided before enrolment. A certificate as to conscientious objection is to contain both a certification by the parent of the child as to the objection and a certification by an authorised practitioner that the practitioner has explained the benefits and risks of immunisation to the parent and has informed the parent of the potential danger of not immunising.

Regulations may be made requiring the principal of a child care facility to request parents to provide the certificates at other times.

The principal of a child care facility will also be required to keep an immunisation register containing information about the immunisation status of each child at the child care facility and also the certificates provided to the principal. There will be an obligation on the principal to provide the certificates to parents and other principals for the purpose of the enrolment of children at other child care facilities.

The Chief Health Officer may publish guidelines to assist authorised practitioners giving certificates relating to vaccination.

Currently, the principal of a child care facility is required only to ask for evidence of a child's immunisation status on enrolment and there is no restriction on enrolment if such evidence is not provided or insufficient evidence is provided.

Schedule 1 [1] defines *authorised practitioner* as meaning a medical practitioner or a member of a class of health practitioners prescribed by the regulations. Authorised practitioners are required to issue some of the certificates relating to vaccination that may be required for child care enrolment. The amendment also defines *NSW Immunisation Schedule*.

Schedule 1 [2] and [3] make consequential amendments for the purpose of enabling references in the provisions relating to immunisation certificates and other certificates to include references to copies of such certificates.

Schedule 1 [5] makes a consequential amendment.

Schedule 1 [6] enables regulations to be made containing savings and transitional provisions consequent on the enactment of any Act that amends the *Public Health Act 2010*.