



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*.



New South Wales

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New South Wales

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

No. , 2013

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## A Bill for

An Act to amend the *Public Health Act 2010* with respect to vaccination requirements for children enrolling at child care facilities.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1    Name of Act</b>	2
This Act is the <i>Public Health Amendment (Vaccination of Children Attending Child Care Facilities) Act 2013</i> .	3 4
<b>2    Commencement</b>	5
This Act commences on 1 January 2014 or, if another day is appointed by a proclamation made before 1 January 2014, on that other day.	6 7

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<b>Schedule 1</b>	<b>Amendment of Public Health Act 2010</b>	1
	<b>No 127</b>	2
<b>[1] Section 85 Definitions</b>		3
	Insert in alphabetical order in section 85 (1):	4
	<i>authorised practitioner</i> means:	5
	(a) a medical practitioner, or	6
	(b) a member of a class of health practitioners prescribed by the regulations for the purposes of this definition.	7
	<i>NSW Immunisation Schedule</i> means the NSW Immunisation Schedule approved by the Chief Health Officer from time to time and published by the Ministry of Health on its website.	8
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<b>[2] Section 85 (1), definition of “immunisation certificate”</b>		12
	Omit “, and includes a copy of any such statement or report”.	13
<b>[3] Section 85 (3)</b>		14
	Insert after section 85 (2):	15
	(3) In this Division, a reference to an immunisation certificate or other certificate includes a reference to a copy of any such certificate.	16
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<b>[4] Section 87</b>		19
	Omit the section. Insert instead:	20
<b>87 Responsibilities of principals of child care facilities with respect to immunisation</b>		21
		22
(1) <b>Certificates for immunisation or exemption must be provided before enrolment</b>		23
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	The principal of a child care facility must not enrol a child, or permit a child to enrol, at the child care facility unless the parent of the child, or the principal of another child care facility, has provided to the principal:	25
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	(a) a <i>vaccination certificate</i> , being an immunisation certificate indicating that the child is age appropriately immunised or a certificate in the approved form by an authorised practitioner certifying that the child is following an approved vaccination catch-up schedule, or	29
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Schedule 1 Amendment of Public Health Act 2010 No 127

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- (b) if a vaccination certificate does not cover some of the vaccine preventable diseases for which immunisation at the child's age is recommended by the NSW Immunisation Schedule, the vaccination certificate and a certificate of a kind specified in subsection (2) with respect to those vaccine preventable diseases, or 1  
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- (c) if no vaccination certificate is provided, a certificate of a kind specified in subsection (2) with respect to the vaccine preventable diseases for which immunisation at the child's age is recommended by the NSW Immunisation Schedule. 7  
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- (2) Certificates of any of the following kinds may be provided in respect of any vaccine preventable disease not covered by a vaccination certificate: 11  
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- (a) a certificate in the approved form by an authorised practitioner certifying that the child should have an exemption for one or more vaccines for specified vaccine preventable diseases due to a medical contraindication to vaccination, 14  
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- (b) a certificate in the approved form in which: 19
- (i) the parent of the child certifies that the parent has a conscientious belief of a kind specified in the approved form that vaccination for specified vaccine preventable diseases should not take place, and 20  
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- (ii) an authorised practitioner certifies that the practitioner has explained the benefits and risks associated with immunisation to the parent and has informed the parent of the potential danger if a child is not immunised. 25  
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- (3) **Exemptions from pre-enrolment requirement** 30
- A principal of a child care facility is not required to comply with subsection (1) before enrolling, or permitting the enrolment of, a child at the child care facility in the circumstances prescribed by the regulations for the purposes of this section. 31  
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- (4) **Other occasions when certificates may be required** 35
- The principal of a child care facility must, on such occasions as may be prescribed by the regulations, ask a parent of a child enrolled at the child care facility to provide for that child an updated certificate of a kind required to be provided under subsection (1). 36  
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(5)	<b>Immunisation register</b>	1
	The principal of a child care facility must keep an immunisation register, in the approved form, containing the following:	2
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	(a) a record of the immunisation status of each child enrolled at the child care facility,	4
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	(b) immunisation certificates and other certificates provided to the principal under this section.	6
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(6)	The principal of a child care facility must retain information about a child in the immunisation register for such period as may be prescribed by the regulations and must produce the register for inspection on request by the public health officer.	8
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(7)	<b>Provision of certificates for enrolment at other child care facilities</b>	12
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	The principal of a child care facility at which a child is currently or was previously enrolled must, on request, provide a copy of the record and certificates kept for that child in the immunisation register of the child care facility to:	14
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	(a) the parent of the child, for the purpose of the enrolment of the child at another child care facility, or	18
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	(b) the principal of another child care facility at which the child proposes to enrol.	20
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(8)	<b>Chief Health Officer may issue guidelines</b>	22
	The Chief Health Officer may publish guidelines on the website of the Ministry of Health to assist authorised practitioners who are requested to provide certificates under this section.	23
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[5]	<b>Section 88 Responsibilities of principals during outbreaks of vaccine preventable diseases</b>	26
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	Insert “section 87 and” before “this section” in section 88 (8).	28

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Facilities) Bill 2013

Schedule 1      Amendment of Public Health Act 2010 No 127

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**[6]    Schedule 5 Savings, transitional and other provisions**

Insert at the end of clause 1 (1):

any Act that amends this Act

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