



New South Wales

# Public Health Amendment (Vaccination of Children Attending Child Care Facilities) Act 2013 No 46

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New South Wales

# **Public Health Amendment (Vaccination of Children Attending Child Care Facilities) Act 2013 No 46**

Act No 46, 2013

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An Act to amend the *Public Health Act 2010* with respect to vaccination requirements for children enrolling at child care facilities. [Assented to 25 June 2013]

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**The Legislature of New South Wales enacts:**

**1    Name of Act**

This Act is the *Public Health Amendment (Vaccination of Children Attending Child Care Facilities) Act 2013*.

**2    Commencement**

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.

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## **Schedule 1      Amendment of Public Health Act 2010 No 127**

### **[1] Section 85 Definitions**

Insert in alphabetical order in section 85 (1):

***authorised practitioner*** means:

- (a) a medical practitioner, or
- (b) a member of a class of health practitioners prescribed by the regulations for the purposes of this definition.

***NSW Immunisation Schedule*** 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.

### **[2] Section 85 (1), definition of “immunisation certificate”**

Omit “, and includes a copy of any such statement or report”.

### **[3] Section 85 (3)**

Insert after section 85 (2):

- (3) In this Division, a reference to an immunisation certificate or other certificate includes a reference to a copy of any such certificate.

### **[4] Section 87**

Omit the section. Insert instead:

#### **87 Responsibilities of principals of child care facilities with respect to immunisation**

- (1) **Certificates for immunisation or exemption must be provided before enrolment**

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:

- (a) a ***vaccination certificate***, 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

- (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
    - (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.
- (2) Certificates of any of the following kinds may be provided in respect of any vaccine preventable disease not covered by a vaccination certificate:
  - (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,
  - (b) a certificate in the approved form in which:
    - (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
    - (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.
- (3) **Exemptions from pre-enrolment requirement**

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.
- (4) **Other occasions when certificates may be required**

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).

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(5) **Immunisation register**

The principal of a child care facility must keep an immunisation register, in the approved form, containing the following:

- (a) a record of the immunisation status of each child enrolled at the child care facility,
- (b) immunisation certificates and other certificates provided to the principal under this section.

(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.

(7) **Provision of certificates for enrolment at other child care facilities**

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:

- (a) the parent of the child, for the purpose of the enrolment of the child at another child care facility, or
- (b) the principal of another child care facility at which the child proposes to enrol.

(8) **Chief Health Officer may issue guidelines**

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.

[5] **Section 88 Responsibilities of principals during outbreaks of vaccine preventable diseases**

Insert “section 87 and” before “this section” in section 88 (8).

Public Health Amendment (Vaccination of Children Attending Child Care  
Facilities) Act 2013 No 46

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

[Second reading speech made in—  
Legislative Assembly on 29 May 2013  
Legislative Council on 19 June 2013]