

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

[2013-46]



New South Wales

Status Information

Currency of version

Repealed version for 25 June 2013 to 1 January 2014 (accessed 17 July 2024 at 19:30)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

None of the provisions displayed in this version of the legislation have commenced.

Notes—

- **Repeal**

The Act was repealed by sec 30C of the [Interpretation Act 1987 No 15](#) with effect from 2.1.2014.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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New South Wales

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

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.

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).
- (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).

[6] Schedule 5 Savings, transitional and other provisions

Insert at the end of clause 1 (1):

any Act that amends this Act