



Queensland

Public Health (Exclusion of Unvaccinated Children from Child Care) Amendment Bill 2013



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2013

A Bill

for

An Act to amend the *Public Health Act 2005* for a particular purpose

[s 1]

The Parliament of Queensland enacts—	1
Clause 1 Short title	2
This Act may be cited as the <i>Public Health (Exclusion of Unvaccinated Children from Child Care) Amendment Act 2013</i> .	3 4 5
Clause 2 Commencement	6
This Act commences on a day to be fixed by proclamation.	7
Clause 3 Act amended	8
This Act amends the <i>Public Health Act 2005</i> .	9
Clause 4 Amendment of s 158 (Definitions for ch 5)	10
Section 158—	11
<i>insert—</i>	12
<i>due day</i> , for division 1AA, see section 160B(b).	13
<i>exclusion actions</i> see section 160A(1).	14
<i>exemption certificate</i> means a certificate given by a doctor stating that vaccination of a child for a stated vaccine preventable condition, or all vaccine preventable conditions, would not be medically advisable under the current edition of the Australian Immunisation Handbook published by the Commonwealth.	15 16 17 18 19 20 21
<i>unvaccinated child</i> , for division 1AA, means a child who—	22 23
(a) has not been vaccinated for every vaccine preventable condition; and	24 25
(b) has not otherwise acquired an immunity from contracting each vaccine preventable	26 27

condition for which the child has not been vaccinated. 1
2

vaccinated child, for division 1AA, means a child other than an unvaccinated child 3
4

vaccination certificate means a certificate given by a doctor stating that a child has been vaccinated for a stated vaccine preventable condition. 5
6
7
8

Clause 5	Insertion of new ch 5, pt 2, div 1AA	9
	Chapter 5, part 2—	10
	<i>insert—</i>	11
	Division 1AA Exclusion of unvaccinated children from particular services	12 13 14

160A Exclusion actions 15

- (1) This division provides for a person in charge of an education and care service or child care service to take any of the following actions (*exclusion actions*) on the ground that a child is an unvaccinated child— 16
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18
19
20
- (a) refuse to enrol the child at the service; 21
 - (b) impose relevant conditions on the child’s enrolment at the service; 22
23
 - (c) refuse to allow the child to attend the service; 24
25
 - (d) impose relevant conditions on the child’s attendance at the service; 26
27
 - (e) deny the child access to, or place relevant limitations on the child’s access to, an activity or thing done or provided at the service. 28
29
30
31

[s 5]

- (2) In this section— 1
relevant, in relation to a condition or limitation, 2
means relevant to a child’s status as an 3
unvaccinated child. 4

160B Notice of proposed exclusion action 5

Before an exclusion action may be taken in relation to 6
the child, a person in charge of the education and care 7
service or child care service must give, to a parent of 8
the child, a written notice stating— 9

- (a) the proposed exclusion action; and 10
(b) that the parent may produce to a person in 11
charge of the service, by a day (the *due day*) 12
at least 4 weeks after the notice is given— 13
(i) a vaccination certificate for the child 14
for each vaccine preventable condition; 15
or 16
(ii) other evidence that the child is a 17
vaccinated child; or 18
(iii) an exemption certificate for the child 19
for any vaccine preventable condition 20
for which the child has not been 21
vaccinated. 22

160C Exclusion action may be taken 23

After the due day, a person in charge of the education 24
and care service or child care service may take an 25
exclusion action in relation to the child if— 26

- (a) the person does not believe the child to be a 27
vaccinated child; and 28
(b) a parent of the child has not produced, to a 29
person in charge of the service, either a 30
vaccination certificate or exemption 31
certificate for the child for each vaccine 32
preventable condition; and 33

(c) a person in charge of the service has 1
considered any other evidence received 2
from a parent of the child that the child is a 3
vaccinated child. 4

Clause 6 **Amendment of s 179 (Protection for persons acting under** 5
pt 2) 6
Section 179(1), after ‘child care service’— 7
insert— 8
or taking exclusion action in relation to a child under 9
division 1AA 10

Authorised by the Parliamentary Counsel