WESTERN AUSTRALIA

LEGISLATIVE COUNCIL

AMENDMENTS AND SCHEDULES

Supplementary Notice Paper No. 127 Issue No. 5

THURSDAY, 13 JUNE 2019

PUBLIC HEALTH AMENDMENT (IMMUNISATION REQUIREMENTS FOR ENROLMENT) BILL 2019 [127-1]

When in committee on the *Public Health Amendment (Immunisation Requirements for Enrolment) Bill* 2019:

Clause 2

Hon Nick Goiran: To move —

1/2 Page 2, line 7 — To delete "Part 1" and insert —

sections 1 to 3, 11A and 12

Clause 4

Minister for Education and Training: To move —

3/4 Page 3, lines 19 and 20 — To delete the lines and insert:

- (b) does not include
 - (i) a service described in the *Education and Care Services National Regulations 2012* regulation 5(2)(c) or (h); or
 - (ii) an outside school hours care service, a school holiday care service or any part of a service that is an outside school hours care service or a school holiday care service; or
 - (iii) a service prescribed by the regulations for the purposes of this definition.

Clause 7

Hon Nick Goiran: To move —

2/7 Page 6, line 2 — To insert after "university or" —

educational

Clause 8

Minister for Education and Training: To move —

4/8 Page 6, lines 24 to 26 — To delete the lines and insert:

exempt child has the meaning given in section 141AA;

Hon Rick Mazza: To move —

6/8 Page 6, lines 24 to 26 — To delete the lines.

Minister for Education and Training: To move —

5/8 Page 7, after line 23 — To insert:

141AA. Exempt child

(1) In this section —

Veterans' Affairs Department means the Department of State of the Commonwealth assisting in the administration of the *Veterans' Entitlements Act 1986* (Commonwealth).

- (2) A child is an *exempt child* if, at the time of the enrolment of the child, the child is any of the following
 - (a) an Aboriginal child as defined in the *Children and Community Services Act* 2004 section 3;
 - (b) a Torres Strait Islander child as defined in the *Children and Community Services Act 2004* section 3;
 - (c) a child who is in need of protection as defined in the *Children and Community Services Act 2004* section 28(2);
 - (d) a child who is living in crisis or emergency accommodation because of
 - (i) family violence or a risk of family violence; or
 - (ii) homelessness;
 - (e) a child who has been evacuated from their ordinary place of residence because it is in an area of the State to which a declaration made under the *Emergency Management Act 2005* section 56 applies;
 - (f) a child who is in the care of an adult, other than their parent or guardian, because of exceptional circumstances (for example, illness or incapacity of their parent or guardian);
 - (g) a child who is in the care of a responsible person who holds any of the following
 - (i) an automatic issue health care card issued under the *Social Security Act 1991* (Commonwealth) section 1061ZS;

- (ii) a pensioner concession card issued under the *Social Security Act 1991* (Commonwealth) section 1061ZF;
- (iii) a card issued by the Veterans' Affairs Department of a kind prescribed by the regulations in relation to the person's entitlement for treatment under the *Veterans' Entitlements*Act 1986 (Commonwealth):
- (h) a child who first entered Australia not more than 6 months before the time of enrolment and who holds, or whose parent holds, a visa (as defined in the *Migration Act 1958* (Commonwealth) section 5(1)) of a kind prescribed by the regulations;
- (i) a child who is in a class of children prescribed by the regulations for the purposes of this paragraph.

Hon Aaron Stonehouse: To move —

9/8 Page 9, after line 4 — To insert:

(2A) The responsible person for a child may apply to the State Administrative Tribunal for a review of a decision by the Chief Health Officer to refuse to issue an immunisation certificate for the child under subsection (1).

Hon Rick Mazza: To move —

7/8 Page 10, lines 3 and 4 — To delete the lines.

Minister for Education and Training: To move —

9/8 Page 12, after line 12 — To insert:

Subdivision 4 — Reporting requirements

142A. Annual report to include information about enrolments

(1) In this section —

enrolment means an enrolment of a child in —

- (a) a school, before the child's compulsory education period; or
- (b) a community kindergarten; or
- (c) a child care service.
- (2) The accountable authority of the Department must include the following information in each annual report submitted under the *Financial Management Act* 2006 Part 5
 - (a) the number of enrolments in the financial year to which the annual report relates that were of a child whose immunisation certificate did not state that the child's immunisation status is up-to-date;
 - (b) in relation to the enrolments referred to in paragraph (a), the number that were of a child who, by the end of the financial year to which the annual report relates
 - (i) has an immunisation certificate that states that the child's immunisation status is up-to-date; or
 - (ii) is following a catch-up schedule referred to in section 141D(2)(d).

(3) The information included in an annual report under subsection (2) must not include any information that identifies, or is likely to identify, any child to whom the information relates.

New Clause 11A

Hon Nick Goiran: To move —

8/NC11A Page 13, after line 34 — To insert:

11A. Section 306A inserted

After section 306 insert:

306A. Review of amendments made by Public Health Amendment (Immunisation Requirements for Enrolment) Act 2019

(1) In this section —

relevant amendments means —

- (a) the amendments made to this Act by the *Public Health Amendment* (*Immunisation Requirements for Enrolment*) Act 2019 section 8; and
- (b) the amendments made to the School Education Act 1999 by the Public Health Amendment (Immunisation Requirements for Enrolment) Act 2019.
- (2) The Minister must review the operation and effectiveness of the relevant amendments, and prepare a report based on the review, as soon as practicable after the 3rd anniversary of the day on which the *Public Health Amendment (Immunisation Requirements for Enrolment) Act 2019* section 1 comes into operation.
- (3) The Minister must cause the report to be laid before each House of Parliament as soon as practicable after it is prepared, but not later than 12 months after the 3rd anniversary.

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