

Public Health Amendment Regulations 2018

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Public Health Amendment Regulations 2018

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Public Health Amendment Regulations 2018*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on 1 January 2019.

3. Regulations amended

These regulations amend the *Public Health Regulations 2017*.

4. Part 2A inserted

After regulation 10 insert:

Part 2A — Immunisation of children

10A. Terms used

- (1) In this Part —

Australian Immunisation Register means the register called the Australian Immunisation Register kept under the *Australian Immunisation Register Act 2015* (Commonwealth) section 8;

current, in relation to an immunisation status certificate for a child, means a certificate issued not more than 2 months before the most recent date of an application for enrolment of the child;

immunisation status certificate means an extract of an entry in the Australian Immunisation Register;

responsible person in relation to a child, means any of the following persons —

- (a) a parent of the child;
- (b) a guardian of the child;
- (c) another person who has responsibility for the day-to-day care of the child.

- (2) Terms used in this Part that are defined in section 142(1) of the Act have the same meaning in this Part as they have in that section.

10B. Immunisation status of a child to be given

- (1) If a child is being enrolled or re-enrolled at a school, the responsible person for the child is required to give to the person in charge of the school the immunisation status of the child as recorded on the current immunisation status certificate for that child.
- (2) The person in charge of a school must take all reasonable steps to ensure that the responsible person for the child complies with subregulation (1).
Penalty for this subregulation: a fine of \$1 000.

10C. Person in charge of school to give report on immunisation status

- (1) The Chief Health Officer may direct the person in charge of a school to give to the Chief Health Officer a report, in an approved form, in respect of the immunisation status of —

- (a) a child enrolled at the school; or
 - (b) children enrolled at the school.
- (2) A person given a direction under subregulation (1) must comply with the direction.
- Penalty for this subregulation: a fine of \$1 000.

10D. Person in charge of school to give report on contracted disease

- (1) The Chief Health Officer may direct the person in charge of a school to give to the Chief Health Officer a report, in an approved form, in respect of a child enrolled at the school who has, or who is reasonably believed to have, contracted a vaccine preventable notifiable infectious disease.
- (2) The report must specify the vaccine preventable notifiable infectious disease that the child has, or is reasonably believed to have, contracted.
- (3) A person given a direction under subregulation (1) must comply with the direction.
- Penalty for this subregulation: a fine of \$1 000.

10E. Person in charge of school to prevent non-immunised child attendance at school

- (1) The Chief Health Officer may direct the person in charge of a school not to permit a child to attend the school if the child has not been immunised against, or has not acquired immunity from, a vaccine preventable notifiable infectious disease.
- (2) The direction must —
- (a) be in writing; and
 - (b) specify the vaccine preventable notifiable infectious disease that the child has not been

immunised against, or has not acquired immunity from; and

- (b) specify the period of time during which the child is not permitted to attend the school.
- (3) A person given a direction under subregulation (1) must comply with the direction.

Penalty for this subregulation: a fine of \$1 000.

- (4) If the Chief Health Officer directs that a child is not permitted to attend a school under subregulation (1), the person in charge of the school or an authorised officer must give written notice to the responsible person for the child that the child is not permitted to attend the school.

Penalty for this subregulation: a fine of \$1 000.

- (5) The notice must specify —
 - (a) the vaccine preventable notifiable infectious disease that the child has not been immunised against, or has not acquired immunity from; and
 - (b) the period of time during which the child is not permitted to attend the school.

10F. Person in charge of school to close whole or part of school

- (1) The Chief Health Officer may direct the person in charge of a school to close the whole, or a part, of the school if the Chief Health Officer considers it reasonably necessary to limit or prevent the spread of a vaccine preventable notifiable infectious disease.
- (2) The direction must —
 - (a) be in writing; and
 - (b) specify the period of time during which the whole or part of the school is to remain closed.

- (3) A person given a direction under subregulation (1) must comply with the direction.

Penalty for this subregulation: a fine of \$1 000.

10G. Chief Health Officer may request further information

- (1) This regulation applies if the Chief Health Officer directs a person in charge of a school to give a report to the Chief Health Officer in respect of a child who has not, or children who have not, been immunised against a vaccine preventable notifiable infectious disease.
- (2) The Chief Health Officer may, when giving the direction or at a later time, request the person in charge of the school to give further information necessary to assist in preventing, controlling or abating a public health risk that might foreseeably arise from the child or children not being immunised against the vaccine preventable notifiable infectious disease.
- (3) Information requested under subregulation (2) may, without limitation, include —
- (a) the name or names, and other identifying information, of the child or children; and
 - (b) the name and contact details of the responsible person for the child or children.
- (4) A person who receives a request under subregulation (2) must comply with the request.

Penalty for this subregulation: a fine of \$1 000.

Clerk of the Executive Council.