

Public Health (Childcare Vaccination) and Other Legislation Amendment Bill 2015

Explanatory Notes for amendments to be moved during consideration in detail by the Honourable Cameron Dick MP

Title of the Bill

Public Health (Childcare Vaccination) and Other Legislation Amendment Bill 2015

Objectives of the amendments

The amendments to be moved during consideration in detail will modify the definition of ‘vaccine preventable condition’ to include ‘another medical condition’. This amendment will facilitate a corresponding amendment to the *Public Health Regulation 2005* (the Regulation) to insert a new standalone list of vaccine preventable conditions that do not necessarily have to be contagious conditions. This new list will not affect the operation of the existing provisions in the *Public Health Act 2005* (the Act) in relation to directing a child to not attend school in the event of a contagious outbreak.

The Public Health (Childcare Vaccination) and Other Legislation Amendment Bill 2015 amends the Act, to clarify the circumstances in which an approved childcare service can refuse the enrolment or attendance (or only allow conditional enrolment or attendance) of a child whose immunisation status is not up to date.

The Bill defines what is meant by a child’s immunisation status being ‘up to date’ by reference to vaccine preventable conditions – that is, for each vaccine preventable condition, the child must either be age-appropriately immunised, be on an approved immunisation catch-up schedule, or have a medical contraindication to the relevant vaccine.

‘Vaccine preventable condition’ is a term already employed in the Act. Section 158 of the Act defines ‘vaccine preventable condition’ as a ‘contagious condition that is prescribed under a regulation as a vaccine preventable condition’. The section also defines ‘contagious condition’ as ‘a contagious medical condition that is prescribed under a regulation as a contagious condition’. Therefore, because these definitions are inter-related, in order for a condition to be prescribed as a vaccine preventable condition, the condition must first be prescribed as a contagious condition.

Schedule 2A, Part 1 of the Regulation lists ‘contagious conditions’, and Schedule 2A, Part 2 lists ‘vaccine preventable conditions’. This list of contagious conditions in the Regulation includes:

- diphtheria
- enterovirus 71 neurological disease
- gastroenteritis illness
- haemophilus influenzae type b infection (invasive)
- hepatitis A
- human influenza with pandemic potential
- measles
- meningococcal infection (invasive)
- paratyphoid
- pertussis (whooping cough)
- poliomyelitis
- rubella
- tuberculosis
- typhoid
- varicella – zoster virus infection (chickenpox).

The list of vaccine preventable conditions in the Regulation presently only includes measles.

These lists in the Regulation were drafted to specifically give effect to the existing provisions in the Act in relation to the directing a child to not attend school in the event of a contagious outbreak. As such, only those conditions which are both easily transmitted from person to person and have serious health impacts have been included in the list of contagious conditions.

In other words, the Regulation was drafted to adopt a narrow, highly technical meaning of ‘contagious’, and therefore some of the conditions listed in the Australian Immunisation Handbook, which might ordinarily be considered contagious, are not listed in Schedule 2A, Part 1 (and accordingly, not able to be listed in Schedule 2A, Part 2). For example, tetanus is ordinarily considered an infectious disease, and is a condition for which a child must be immunised under the Australian Immunisation Handbook. However, tetanus it is not spread by person-to-person transmission, and therefore cannot be prescribed as a ‘contagious condition’ in the Regulation because it would never give rise to the ‘contagious outbreak’ scenario for which the present definition in the Act and lists in the Regulation were drafted to address.

In their present form, section 158 of the Act and the prescribed lists of conditions in Parts 1 and 2 of Schedule 2A of the Regulation do not align with the amendments proposed in the Bill. One of the key objectives of the Bill is to promote immunisation, and to give effect to this objective, an expanded list of vaccine preventable conditions in the Regulation is required to capture not only measles, but all of the conditions in the Australian Immunisation Handbook, including:

- invasive pneumococcal disease
- haemophilus influenzae type B (Hib disease)
- hepatitis B
- meningococcal C
- pertussis (whooping cough)
- poliomyelitis (polio)

- tetanus
- varicella (chickenpox).

Achievement of the objectives

To achieve the policy objective, the Bill amends section 158 of the Act to modify the definition of ‘vaccine preventable condition’ to include ‘another medical condition’, which will allow an expanded list of vaccine preventable conditions to be inserted into the Regulation.

Alternative ways of achieving policy objectives

There are no other viable alternatives that would achieve the policy objectives of this amendment.

Estimated cost for government implementation

There are no costs associated with the amendments.

Consistency with fundamental legislative principles

The amendments are consistent with fundamental legislative principles, as set out in section 4 of the *Legislative Standards Act 1992*.

Consultation

Consultation regarding the policy objective of the amendments to be moved during consideration in detail has previously occurred during the Introduction of the Bill. All stakeholders are supportive of the amendment.

NOTES ON PROVISIONS

Amendment of clause 4 (Amendment of s 158 (Definitions for ch 5))

Amendment 1 inserts '(1) Section' into line 13.

Amendment of clause 4 (Amendment of s 158 (Definitions for ch 5))

Amendment 2 amends the definition of *vaccine preventable condition* to include 'or another medical condition'.

©The State of Queensland 2015