



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

QCEC Submission, August 2015

Introduction

The Queensland Catholic Education Commission (QCEC) makes the following submission on the Public Health (Childcare Vaccination) and Other Legislation Amendment Bill 2015 to the Health and Ambulance Committee to enable it to report to the Queensland Parliament on the Bill by 2 October 2015.

QCEC as an approved Central Governing Body in Queensland, distributes Queensland Kindergarten Funding Scheme (QKFS) funding to delegated Catholic agencies for the provision of standalone kindergarten services. This submission is made on behalf of the five delegated Catholic agencies, as approved education and care service providers, representing twenty-four kindergarten services:

- Archdiocese of Brisbane and Diocese of Toowoomba: Centacare Child Care Services, Brisbane
- Diocese of Cairns: Cairns Early Learning and Care
- Diocese of Rockhampton: Early Learning and Care
- Diocese of Townsville: St Mary MacKillop Kindergartens
- Canossa Kindergarten, Coorparoo.

Purpose of amendments

The purpose of the amendment to the *Public Health Act 2005* is to give the person in charge of an approved education and care service the option to refuse, cancel or place a condition on the enrolment or attendance of a child who is not vaccinated, or not up to date with their scheduled immunisations. The Bill includes a protection from liability for a person in charge of a service for making the decision to refuse enrolment or attendance.

The purpose of the amendment to the *Health Ombudsman Act 2013* is to empower an authorised person to require a person to attend and answer questions and produce documents in relation to investigations into serious healthcare complaints and offences under the Act.

QCEC Position

QCEC supports the proposed amendments to both the *Public Health Act 2005* and *Health Ombudsman Act 2013*.

Rationale

QCEC supports the proposed amendment to the *Public Health Act 2005* as it is designed to assist in the promotion of immunisation which is vital in protecting all stakeholders against vaccine-preventable diseases and protect children in Early Childhood Education and Care (ECEC) services, as well as, the adults that work with children from vaccine preventable conditions.

The amendment is in the best interests of the health of all children enrolled in the service, staff working with children, and for the common good of all. Approved providers are obligated to implement policies, practices and procedures that promote the health and wellbeing of all children and staff which means no child or adult attending the service is at unnecessary risk.

The proposal for the *Public Health Regulation 2005* to list all necessary vaccine-preventable conditions relevant to the Bill is viewed as a positive amendment.

The Immunity from Proceedings clause is seen as being an important component of the amendment to the *Public Health Act 2005*. Under the *Anti-Discrimination Act 1991* the infringement on an individual's rights and liberties are outweighed by the public health benefits the Bill will achieve. By refusing to allow the enrolment or attendance of a child at an approved ECEC service based solely on the child's immunisation status would not be considered discriminatory and there will be no liability for a person in charge of a service for making a decision to refuse enrolment or attendance.

QCEC supports the proposed amendment to the *Health Ombudsman Act 2013* as it is essential in providing the Health Ombudsman with the data-gathering power to effectively undertake investigations into serious healthcare complaints and possible offences under the Act.

Discretionary powers

Under the amendment to the *Public Health Act 2005*, approved education and care services are encouraged to utilise their discretionary powers and take into consideration a child's circumstances. The situation of a person in charge of an approved Catholic kindergarten refusing enrolment of a vulnerable child who is unvaccinated is unlikely as Catholic approved providers take into account the best interests of each child and their individual circumstances in the enrolment process. A kindergarten service may accept the enrolment of a vulnerable child if their immunisation status is not up to date subject to conditions to be met by the family.

Enrolment process

A child's immunisation history currently forms part of the enrolment process in Catholic kindergartens and this will continue. Documentation to be presented with the application for enrolment form is the child's immunisation history statement showing the child's immunisation status is up to date or an approved immunisation catch-up schedule.