

**House of Assembly—No 37**

As received from the Legislative Council and read a first time, 8 April 2020

South Australia

**South Australian Public Health (Early Childhood Services and Immunisation) Amendment Bill 2020**

A BILL FOR

An Act to amend the *South Australian Public Health Act 2011*.

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## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

- 5 This Act may be cited as the *South Australian Public Health (Early Childhood Services and Immunisation) Amendment Act 2020*.

#### 2—Commencement

This Act comes into operation 3 months after the day on which it is assented to by the Governor.

#### 3—Amendment provisions

- 10 In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

### Part 2—Amendment of *South Australian Public Health Act 2011*

#### 4—Amendment of section 96A—Interpretation

- 15 (1) Section 96A, definition of *early childhood service*, example—after "pre-school," insert:
  - occasional care,
- (2) Section 96A—after its present contents as amended by this section (now to be designated as subsection (1)) insert:
  - 20 (2) For the purposes of this Part, a child *meets the immunisation requirements* if the child meets the immunisation requirements within the meaning of the *A New Tax System (Family Assistance) Act 1999* of the Commonwealth (subject to any prescribed modifications).

## 5—Insertion of sections 96BA and 96BB

After section 96B insert:

### **96BA—Prohibition on enrolment in early childhood services where immunisation requirements not met**

- 5 (1) A person who provides an early childhood service must not enrol a child for the provision of the service unless—
- (a) immunisation records relating to the child have been provided to the person in accordance with section 96B(1); and
- 10 (b) the immunisation records indicate that the child meets the immunisation requirements.

Maximum penalty: \$30 000.

- (2) It is a defence to a charge of an offence under this section relating to the enrolment of a child to prove that the defendant relied in good faith on immunisation records (or purported immunisation records) provided to the defendant in accordance with section 96B(1) indicating that the immunisation status of the child was up to date.
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### **96BB—Prohibition on providing early childhood services where immunisation requirements not met**

- 20 (1) A person must not provide an early childhood service for a child unless—
- (a) immunisation records relating to the child have been provided to the person in accordance with section 96B(1); and
- 25 (b) the immunisation records indicate that the child meets the immunisation requirements.

Maximum penalty: \$30 000.

- (2) It is a defence to a charge of an offence under this section relating to a child to prove that the defendant relied in good faith on immunisation records (or purported immunisation records) provided to the defendant in accordance with section 96B(1) indicating that the immunisation status of the child was up to date.
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## 6—Amendment of section 96E—Exemptions

Section 96E(4), penalty clause—delete "\$2 500" and substitute:

35 \$30 000