

# Public Health Amendment (Immunisation Requirements for Enrolment) Bill 2019

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**CONFIDENTIAL**

Western Australia

LEGISLATIVE ASSEMBLY/COUNCIL

**Public Health Amendment (Immunisation  
Requirements for Enrolment) Bill 2019**

**A Bill for**

***An Act to amend the *Public Health Act 2016* and the *School Education Act 1999* to give effect to immunisation requirements for enrolment in schools, community kindergartens and child care services.***

The Parliament of Western Australia enacts as follows:

1

## **Part 1 — Preliminary**

2

### **1. Short title**

3

This is the *Public Health Amendment (Immunisation  
Requirements for Enrolment) Act 2019*.

4

5

### **2. Commencement**

6

This Act comes into operation as follows —

7

(a) Part 1 — on the day on which this Act receives the  
Royal Assent;

8

9

(b) the rest of the Act — on a day fixed by proclamation,  
and different days may be fixed for different provisions.

10

1 **Part 2 — Public Health Act 2016 amended**

2 **3. Act amended**

3 This Part amends the *Public Health Act 2016*.

4 *[The following text is the Public Health Act 2016 sections 4(1), Part 9*  
5 *Division 8, section 240 and 254, showing proposed amendments in track*  
6 *changes. A formal amending instrument will be drafted at a later stage.]*

7 **4. Section 4 amended**

8 **4. Terms used**

9 (1) In this Act, unless the contrary intention appears —  
10 *activity licence* has the meaning given in section 64;  
11 *appropriate enforcement agency*, in relation to the  
12 provision in which the term is used, means the  
13 enforcement agency prescribed by the regulations for  
14 the purposes of that provision;

15 *approved form* means a form approved by the Chief  
16 Health Officer;

17 *authorised officer* has the meaning given in  
18 subsection (2);

19 *CEO* has the meaning given in the *Health Legislation*  
20 *Administration Act 1984* section 3;

21 *certificate of registration* has the meaning given in  
22 section 64;

23 *Chief Health Officer* means the person designated as  
24 the Chief Health Officer under section 11;

25 ~~*child care service* means —~~

26 ~~(a) an education and care service as defined in the~~  
27 ~~*Education and Care Services National Law*~~  
28 ~~*(Western Australia)* section 5(1); or~~

29 ~~(b) a child care service as defined in the *Child Care*~~  
30 ~~*Services Act 2007* section 4;~~

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*child care service* —

(a) means —

(i) an education and care service as defined in the *Education and Care Services National Law (Western Australia)* section 5(1); or

(ii) a child care service as defined in the *Child Care Services Act 2007* section 4;

but

(b) does not include a child care service prescribed for the purposes of this definition;

***Commissioner of Police*** means the person holding or acting in the office of Commissioner of Police under the *Police Act 1892*;

***community kindergarten*** means a kindergarten registered under the *School Education Act 1999* Part 5;

***compulsory education period*** has the meaning given in the *School Education Act 1999* section 6;

***Department*** means the department of the Public Service principally assisting in the administration of this Act;

***departmental officer*** —

(a) means a public service officer employed in the Department; and

(b) includes a public service officer appointed for the purposes of, or to assist in the administration of, an Act to which the *Health Legislation Administration Act 1984* applies under section 4 of that Act;

***emergency area*** means the area or areas to which a public health state of emergency declaration applies;

1                    **emergency management** means the management of the  
2                    adverse effects of a public health emergency,  
3                    including —

- 4                    (a) prevention — the mitigation or prevention of  
5                    the probability of the occurrence of a public  
6                    health emergency, and of the potential adverse  
7                    effects of a public health emergency; and  
8                    (b) preparedness — the preparation for the  
9                    response to a public health emergency; and  
10                   (c) response — the combating of the effects of a  
11                   public health emergency, provision of  
12                   emergency assistance for casualties, reduction  
13                   of further damage and help to speed recovery;  
14                   and  
15                   (d) recovery — the support of communities  
16                   affected by a public health emergency in the  
17                   reconstruction and restoration of physical  
18                   infrastructure, the environment and community,  
19                   psychosocial and economic wellbeing;

20                   **emergency officer** means an authorised officer or other  
21                   person who is authorised by the Chief Health Officer  
22                   under section 174(2);

23                   **emergency power** means a power provided for in  
24                   Part 12 Division 5;

25                   **employed in the Department** includes seconded to  
26                   perform functions or services for, or duties in the  
27                   service of, the Department;

28                   **enforcement agency** means —

- 29                   (a) the Chief Health Officer; or  
30                   (b) a local government; or  
31                   (c) a person or body, or a person or body within a  
32                   class of persons or bodies, prescribed by the  
33                   regulations for the purposes of this definition;

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1 **enforcement order** means an enforcement order issued  
2 under Part 14 Division 3;

3 **environmental health officer** means an environmental  
4 health officer appointed under section 17;

5 **general public health duty** means the requirement  
6 imposed by section 34(1);

7 **harm** includes physical or psychological harm to  
8 individuals, whether of long-term or immediate impact  
9 or effect;

10 **improvement notice** means an improvement notice  
11 issued under Part 14 Division 2;

12 **judicial officer** means a JP or a magistrate;

13 **material public health risk** —

14 (a) means a public health risk involving potential  
15 harm to public health that is neither trivial nor  
16 negligible; and

17 (b) includes a public health risk declared by the  
18 regulations to be a material public health risk;  
19 but

20 (c) does not include a public health risk declared  
21 by the regulations not to be a material public  
22 health risk;

23 **medical examination** includes —

24 (a) the taking of a sample of blood, urine, tissue or  
25 hair, or another biological specimen; and

26 (b) the performance of any diagnostic examination  
27 or diagnostic procedure;

28 **medical practitioner** means a person registered under  
29 the *Health Practitioner Regulation National Law*  
30 (*Western Australia*) in the medical profession;

31 **midwife** means a person registered under the *Health*  
32 *Practitioner Regulation National Law (Western*  
33 *Australia)* in the midwifery profession;



1            ***needle and syringe programme*** means a programme to  
2 do one or more of the following principally for the  
3 purpose of preventing the spread of infectious diseases  
4 that are carried in the blood —

- 5            (a) to supply people with any of the following —
- 6                    (i) sterile hypodermic syringes;
  - 7                    (ii) sterile hypodermic needles;
  - 8                    (iii) things that may be used in connection  
9 with the administration, by injection, of  
10 prohibited drugs (as defined in the  
11 *Misuse of Drugs Act 1981* section 3(1)),  
12 for example, swabs and spoons;
- 13            (b) to facilitate the safe disposal, after use, of any  
14 of the things mentioned in paragraph (a);
- 15            (c) to advise, counsel or disseminate information to  
16 people;

17            ***notifiable infectious disease*** means an infectious  
18 disease declared under section 90 to be a notifiable  
19 infectious disease;

20            ***notifiable infectious disease-related condition*** means a  
21 medical condition declared under section 91 to be a  
22 notifiable infectious disease-related condition;

23            ***nurse*** means a person registered under the *Health  
24 Practitioner Regulation National Law (Western  
25 Australia)* in the nursing profession;

26            ***nurse practitioner*** means a person registered under the  
27 *Health Practitioner Regulation National Law (Western  
28 Australia)* in the nursing profession whose registration  
29 under that Law is endorsed as nurse practitioner;

30            ***officer***, in relation to a body corporate, has the meaning  
31 given in section 282(1);

32            ***personal details***, in relation to a person, means —

- 33            (a) the person's full name; and

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- 1 (b) the person's date of birth; and  
2 (c) the address where the person is residing; and  
3 (d) the address where the person usually resides, if  
4 that is different from the address referred to in  
5 paragraph (c);

6 **premises** includes —

- 7 (a) land (whether vacant or not); and  
8 (b) land covered by water, whether permanently or  
9 temporarily or from time to time; and  
10 (c) the whole or any part of a building or other  
11 structure, of whatever type and whether of a  
12 permanent or temporary nature; and  
13 (d) a vehicle;

14 **prescribed condition of health** has the meaning given  
15 in section 148;

16 **public authority** means —

- 17 (a) an agency as defined in the *Public Sector*  
18 *Management Act 1994* section 3(1); or  
19 (b) a body, corporate or unincorporate, that is  
20 established or continued for a public purpose by  
21 the State, regardless of the way it is established;  
22 or  
23 (c) a local government; or  
24 (d) a regional local government, but only in Part 12  
25 and section 299; or  
26 (da) a regional subsidiary; or  
27 (e) the Police Force of Western Australia; or  
28 (f) a person or body, or a person or body within a  
29 class of persons or bodies, prescribed by the  
30 regulations for the purposes of this paragraph;

1            **public health** means the health of individuals in the  
2            context of —

- 3            (a) the wider health and wellbeing of the  
4            community; and
- 5            (b) the combination of safeguards, policies and  
6            programmes designed to protect, maintain,  
7            promote and improve the health of individuals  
8            and their communities and to prevent and  
9            reduce the incidence of illness and disability;

10           **public health emergency** means an event or  
11           circumstance, or a series of events or circumstances,  
12           that is causing or contributing to, has caused or  
13           contributed to or may cause or contribute to serious  
14           adverse effects on public health;

15           **public health emergency management plan** means a  
16           public health emergency management plan prepared  
17           under section 165;

18           **public health official** means —

- 19           (a) a departmental officer; or  
20           (b) a person employed or engaged in a health  
21           service provider (as defined in the *Health*  
22           *Services Act 2016* section 6);

23           **public health order** means a public health order made  
24           under section 116;

25           **public health risk** means a risk of harm to public  
26           health;

27           **public health risk activity** means —

- 28           (a) an activity declared by the regulations to be a  
29           public health risk activity; or  
30           (b) an activity within a class of activities declared  
31           by the regulations to be public health risk  
32           activities;

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1 **public health state of emergency** means a public health  
2 state of emergency declared under section 167;

3 **public health state of emergency declaration** means a  
4 declaration of a public health state of emergency under  
5 section 167;

6 **remote communication** means any way of  
7 communicating at a distance, including by telephone,  
8 fax, email and radio;

9 **sample**, except in section 240(1)(f), means a sample  
10 taken, in accordance with accepted medical practice,  
11 from any part of the body of a person, including a  
12 sample of blood, urine, tissue or hair, or another  
13 biological specimen;

14 ~~**school** means —~~

15 ~~(a) a government school, or a non-government~~  
16 ~~school, as defined in the *School Education*~~  
17 ~~*Act 1999* section 4; or~~

18 ~~(b) a community kindergarten registered under the~~  
19 ~~*School Education Act 1999* Part 5; or~~

20 ~~(c) the place where a child care service is provided;~~

21 **school** means a government school, or a  
22 non-government school, as defined in the *School*  
23 *Education Act 1999* section 4;

24 **senior next of kin**, in relation to a deceased person, has  
25 the meaning given in the *Coroners Act 1996*  
26 section 37(5);

27 **senior police officer** means a police officer who is, or  
28 is acting as, a Superintendent or an officer of a rank  
29 more senior than a Superintendent;

30 **serious public health incident power** means a power  
31 provided for in section 157(1);

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***serious public health risk*** —

- (a) means a public health risk involving potential harm to public health that is irreversible, of a high impact or on a wide scale; and
- (b) includes a public health risk declared by the regulations to be a serious public health risk; but
- (c) does not include a public health risk declared by the regulations not to be a serious public health risk;

***test order*** means an order made under section 100;

***urgently notifiable infectious disease*** means a notifiable infectious disease declared under section 90 to be an urgently notifiable infectious disease;

***vaccine preventable notifiable infectious disease*** means a notifiable infectious disease declared under section 90 to be a vaccine preventable notifiable infectious disease;

***vehicle*** —

- (a) means any means of transport, whether self-propelled or not, and whether used on land or sea or in the air; and
- (b) without limiting paragraph (a), includes —
  - (i) a caravan, trailer or other land vehicle; and
  - (ii) a vessel;

***vessel*** —

- (a) means any thing used, or capable of being used, in navigation by water, of whatever size and whether or not it has any means of propulsion; and

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- 1 (b) without limiting paragraph (a), includes the  
2 following —  
3 (i) a houseboat, pontoon or raft;  
4 (ii) a hovercraft, seaplane or other similar  
5 craft;  
6 (iii) a submarine or other submersible;  
7 *working day* means a day other than a Saturday, a  
8 Sunday or a public holiday.

9 **5. Part 9 Division 8 replaced**

10 **Division 8 — Immunisation status of children**

11 **Subdivision 1 — Preliminary**

12 **141A. Terms used**

13 In this Division —

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

18 *child* means a person who is under 18 years of age;

19 *current*, in relation to an immunisation certificate for a  
20 child, means a certificate issued not more than the  
21 prescribed period before —

22 (a) the most recent date of an application for  
23 enrolment of the child in a school, community  
24 kindergarten or child care service; or

25 (b) the certificate is required to be provided under  
26 this Act;

27 *exempt child* means a child who is in a class of  
28 children prescribed by the regulations for the purposes  
29 of this definition;

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*immunisation certificate* means —

- (a) an extract of an entry in the Australian Immunisation Register; or
- (b) a certificate issued by the Chief Health Officer under section 141C(1); or
- (c) a document declared to be an immunisation certificate under section 141C(3);

*immunisation status* means the status of —

- (a) having been immunised against, or having acquired immunity by infection from, all or specified vaccine preventable notifiable infectious diseases; or
- (b) not having been immunised against, and not having acquired immunity by infection from, all or specified vaccine preventable notifiable infectious diseases;

*person in charge*, of a school, community kindergarten or child care service, means the person who has responsibility for the day-to-day management and control of the school, community kindergarten or child care service;

*responsible person*, in relation to a child, means —

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

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**Subdivision 2 — Immunisation requirements for enrolment**

**141B. Responsible person to give immunisation status to person in charge**

(1) This section applies to a child enrolling in, or enrolled in, a school, community kindergarten or child care service.

(2) The responsible person for the child is required to give to the person in charge of the school, community kindergarten or child care service the immunisation status of the child as recorded on the current immunisation certificate for the child —

(a) when the child is being enrolled in the school, community kindergarten or child care service; and

(b) at such other time or times as are prescribed in the regulations.

(3) The person in charge must take all reasonable steps to ensure that the responsible person complies with subsection (2).

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

**141C. Immunisation certificates issued or declared by Chief Health Officer**

(1) The Chief Health Officer may issue an immunisation certificate for a child for the purposes of section 141B if —

(a) the Chief Health Officer is satisfied that —

(i) a circumstance prescribed in the regulations is applicable to the child; and



1                                    (ii) but for that circumstance, the child's  
2                                    immunisation status would be up to  
3                                    date;

4                                    or

5                                    (b) the Chief Health Officer is otherwise satisfied  
6                                    that there are special circumstances that justify  
7                                    doing so.

8                                    (2) An immunisation certificate issued under  
9                                    subsection (1) remains in force for the period specified  
10                                   in the certificate or, if no period is specified, for an  
11                                    indefinite period.

12                                   (3) The Chief Health Officer may, by notice published in  
13                                   the *Gazette*, declare a document or a class of  
14                                   documents to be an immunisation certificate for the  
15                                   purposes of section 141B.

16                                    **141D. Immunisation or exemption a condition of**  
17                                    **enrolment**

18                                    (1) Unless a child meets a requirement of subsection (2),  
19                                    the person in charge of a school, community  
20                                    kindergarten or child care service must not permit the  
21                                    child to enrol in —

22                                    (a) the school, before the child's compulsory  
23                                    education period; or

24                                    (b) the community kindergarten; or

25                                    (c) the child care service.

26                                    Penalty for this subsection: a fine of \$10 000.

27                                    (2) A child meets a requirement of this subsection if —

28                                    (a) the immunisation certificate for the child states  
29                                    that the child's immunisation is up to date; or

30                                    (b) the child is following an immunisation catch-  
31                                    up schedule prescribed by the regulations; or

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(c) the person in charge is satisfied that the child is an exempt child.

**Subdivision 3 — Regulations relating to immunisation status of children**

**142. Regulations relating to immunisation status of children and control of disease**

Without limiting section 304(1), regulations may —

(a) require the person in charge of a school, community kindergarten or child care service, when directed to do so by the Chief Health Officer, to give a report to the Chief Health Officer in respect of information given to the person about the immunisation status of —

(i) a child enrolled at the school, community kindergarten or child care service; or

(ii) children enrolled at the school, community kindergarten or child care service;

(b) require the person in charge of a school, community kindergarten or child care service, when directed to do so by the Chief Health Officer either when giving a direction under regulations made under paragraph (a) or at a later time, to give to the Chief Health Officer further information necessary to assist in preventing, controlling or abating a public health risk that might foreseeably arise from a child not being immunised against a vaccine preventable notifiable infectious disease, including —

(i) the name of, and other identifying information in relation to, the child; and

- 1                    (ii) the name and contact details of the  
2                    responsible person for the child;
- 3                    (c) in the case of a child at a school, community  
4                    kindergarten or child care service who contracts  
5                    a vaccine preventable notifiable infectious  
6                    disease, require the person in charge of the  
7                    school, community kindergarten or child care  
8                    service to give to the Chief Health Officer a  
9                    report in respect of the child;
- 10                  (d) require the person in charge of a school,  
11                  community kindergarten or child care service,  
12                  when directed to do so by the Chief Health  
13                  Officer, to ensure that a child who has not been  
14                  immunised against a vaccine preventable  
15                  notifiable infectious disease specified by the  
16                  Chief Health Officer is not permitted to attend  
17                  the school, community kindergarten or child  
18                  care service for the period specified by the  
19                  Chief Health Officer;
- 20                  (e) require the person in charge of a school,  
21                  community kindergarten or child care service,  
22                  when directed to do so by the Chief Health  
23                  Officer, to close the school, community  
24                  kindergarten or child care service for the period  
25                  specified by the Chief Health Officer to limit or  
26                  prevent the spread of a vaccine preventable  
27                  notifiable infectious disease.

28                    **Division 8 — Regulations relating to immunisation status**  
29                    **of children**

30                    **142. — Regulations relating to immunisation status of**  
31                    **children**

32                    ~~(1) In this section —~~

33                    ~~*child* means a person who is under 18 years of age;~~

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- ~~— **immunisation status**, of a child, means the status of —~~
- ~~(a) having been immunised against, or having acquired immunity by infection from, all or specified vaccine preventable notifiable infectious diseases; or~~
- ~~(b) not having been immunised against, and not having acquired immunity by infection from, all or specified vaccine preventable notifiable infectious diseases;~~
- ~~**person in charge**, of a school, means the person who has responsibility for the day-to-day management and control of the school.~~
- ~~(2) Without limiting section 304(1), regulations may be made under that subsection —~~
  - ~~(a) requiring information about a child’s immunisation status to be given to the person in charge of a school at which the child is to be enrolled or re-enrolled;~~
  - ~~(b) requiring the person in charge of a school to retain for a specified period information about the immunisation status of a child enrolled at the school;~~
  - ~~(c) requiring information given to the person in charge of a school about a child’s immunisation status to be kept confidential and stored securely;~~
  - ~~(d) requiring the person in charge of a school, when directed to do so by the Chief Health Officer, to give a report to the Chief Health Officer in respect of information given to the person about the immunisation status of —~~
    - ~~(i) a child enrolled at the school; or~~
    - ~~(ii) children enrolled at the school;~~

- 1                   ~~—(e)— requiring the person in charge of a school to~~  
2                   ~~give a report to the Chief Health Officer in~~  
3                   ~~respect of any child at the school who contracts~~  
4                   ~~a vaccine preventable notifiable infectious~~  
5                   ~~disease;~~
- 6                   ~~—(f)— requiring the person in charge of a school,~~  
7                   ~~when directed to do so by the Chief Health~~  
8                   ~~Officer, to ensure that a child who has not been~~  
9                   ~~immunised against a vaccine preventable~~  
10                  ~~notifiable infectious disease specified by the~~  
11                  ~~Chief Health Officer is not permitted to attend~~  
12                  ~~the school for the period specified by the Chief~~  
13                  ~~Health Officer;~~
- 14                  ~~—(g)— requiring the person in charge of a school,~~  
15                  ~~when directed to do so by the Chief Health~~  
16                  ~~Officer, to close the school for the period~~  
17                  ~~specified by the Chief Health Officer to limit or~~  
18                  ~~prevent the spread of a vaccine preventable~~  
19                  ~~notifiable infectious disease.~~

20       **6.       Section 240 amended**

21               **240.       Powers of authorised officers**

- 22               (1) For the purposes of this Act, an authorised officer may,  
23               at any reasonable time, do any one or more of these —
- 24                   (a) enter and inspect any premises —
- 25                       (i) in respect of which a registrable activity  
26                       is registered under Part 8 Division 2; or
- 27                       (ii) at which a licensable activity is carried  
28                       on that is authorised by an activity  
29                       licence granted under Part 8 Division 3;  
30                       or
- 31                       (iii) to which an improvement notice or an  
32                       enforcement order relates;

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- 1 (b) enter and inspect any premises at which the  
2 authorised officer reasonably suspects an  
3 offence under this Act has been or is being  
4 committed;
- 5 (c) enter and inspect any premises that the  
6 authorised officer reasonably suspects are used  
7 in connection with a public health risk;
- 8 (d) enter and inspect any premises in which the  
9 authorised officer reasonably suspects there are  
10 any documents that relate to a public health  
11 risk, including a public health risk that might  
12 foreseeably arise from a child or children not  
13 having been immunised against a vaccine  
14 preventable notifiable infectious disease, or to  
15 an offence under this Act;
- 16 (e) open and examine any equipment;
- 17 (f) take samples of anything that the authorised  
18 officer reasonably suspects may be connected  
19 with a public health risk or may be used as  
20 evidence that an offence under this Act has  
21 been or is being committed, and for that  
22 purpose operate any machinery, equipment or  
23 other thing or facilities situated on the premises  
24 or brought into the premises by the authorised  
25 officer;
- 26 (g) examine any documents referred to in  
27 paragraph (d), make copies of those documents  
28 or any part of them and, for that purpose, take  
29 away and retain any of those documents or any  
30 part of them for any time that may be  
31 reasonably necessary;
- 32 (h) analyse, examine or test any samples taken  
33 under paragraph (f);

- 1 (i) stop any vehicle that the authorised officer is  
2 authorised by this subsection to enter, or  
3 require that a person in charge of the vehicle —  
4 (i) stop the vehicle; or  
5 (ii) not move the vehicle; or  
6 (iii) move the vehicle a reasonable distance  
7 to a place specified by the authorised  
8 officer;
- 9 (j) open, or require to be opened, any container or  
10 other thing that the authorised officer  
11 reasonably suspects to contain anything  
12 connected with a public health risk;
- 13 (k) make any recording (by whatever means) of  
14 images or sounds, or both, that the authorised  
15 officer considers necessary;
- 16 (l) take any readings or other measurements, and  
17 make sketches or drawings or any other type of  
18 record;
- 19 (m) require a person to provide information or  
20 answer questions in connection with the  
21 authorised officer's functions under this Act or  
22 to produce any document or thing that an  
23 authorised officer is authorised to examine  
24 under this Act;
- 25 (n) require a person to give the authorised officer  
26 any or all of the person's personal details, and,  
27 if the authorised officer reasonably suspects  
28 that a personal detail given by the person is  
29 false, require the person to produce evidence of  
30 the correctness of the detail;
- 31 (o) generally make any investigations or inquiries  
32 that may be necessary to ascertain whether a  
33 public health risk exists or an offence under this  
34 Act has been or is being committed.

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- 1 (2) An authorised officer may at any time enter and inspect  
2 any premises if the authorised officer reasonably  
3 suspects —  
4 (a) there is an immediate public health risk  
5 connected with those premises; and  
6 (b) the entry is necessary to enable the authorised  
7 officer to investigate, prevent, control or abate  
8 the risk.
- 9 (3) This section does not authorise entry into any premises,  
10 or any part of any premises, being used solely for  
11 residential purposes, except —  
12 (a) where subsection (2) applies; or  
13 (b) with the informed consent of the occupier of  
14 the premises; or  
15 (c) under the authority of a warrant issued under  
16 section 249.
- 17 (4) For the purposes of subsection (3)(b), an occupier of  
18 premises gives informed consent if the occupier  
19 consents after being informed by the authorised  
20 officer —  
21 (a) of the powers that the authorised officer wants  
22 to exercise in respect of the premises; and  
23 (b) of the reason why the authorised officer wants  
24 to exercise those powers; and  
25 (c) that the occupier can refuse to consent to the  
26 authorised officer doing so.
- 27 (5) An authorised officer exercising a power under this  
28 section may be assisted by a police officer or other  
29 person.



7. Section 254 amended

254. False or misleading information

(1) A person must not give false or misleading information to —

(a) an authorised officer who is carrying out a function under this Act; or

(b) any person pursuant to a requirement under this Act to provide information or produce a record or other document to that person.

~~A person must not, in connection with a requirement made or direction given by an authorised officer under this Act, provide any information or produce any document that the person knows is false or misleading in a material particular.~~

Penalty for this subsection: a fine of \$10 000.

(2) For the purposes of subsection (1), a person gives false or misleading information if the person does one or more of the following —

(a) states anything that the person knows is false or misleading in a material particular;

(b) omits from a statement anything without which the statement is, to the person's knowledge, misleading in a material particular;

(c) gives or produces any record or other document that —

(i) the person knows is false or misleading in a material particular; or

(ii) omits anything without which the record or other document is, to the person's knowledge, misleading in a material particular.

1 **Part 3 — School Education Act 1999 amended**

2 **8. School Education Act 1999 amended**

3 This Part amends the *School Education Act 1999*.

4 *[The following text is the School Education Act 1999 section 3, 16, 17, 23,*  
5 *27, 77, 82, 159 and 206 showing proposed amendments in track changes.*  
6 *A formal amending instrument will be drafted at a later stage.]*

7 **9. Section 3 amended**

8 **3. Objects of Act**

- 9 (1) The objects of this Act include the following —
- 10 (a) to recognize the right of every child in the State  
11 to receive a school education during the child's  
12 compulsory education period; and
- 13 (b) to allow that education to be given in a  
14 government school, a non-government school  
15 or at home; and
- 16 (c) to provide for government schools that meet the  
17 educational needs of all children; and
- 18 (ca) to provide for education, training and  
19 employment alternatives at the senior  
20 secondary level; and
- 21 (d) to acknowledge the importance of the  
22 involvement and participation of a child's  
23 parents in the child's education; and
- 24 (e) to provide for student residential colleges that  
25 offer residential accommodation for students to  
26 attend, and participate in an educational  
27 programme of, a school.
- 28 (2) Any person who has a function under this Act is to  
29 seek to ensure that the objects stated in subsection (1)  
30 are achieved.

10. Section 16 amended

16. Information required when applying to enrol

(1A) In this section —

immunisation status has the meaning given in the  
Public Health Act 2016 section 141A.

(1) A person who wishes to make an application for enrolment at a school is to provide the following information to the extent that he or she is asked to do so —

- (a) the date of birth of the enrollee; and
- (b) the names and usual place of residence of —
  - (i) the enrollee;
  - (ii) where the enrollee is a child —
    - (I) the parents; and
    - (II) any adult person, not being a parent, who is responsible for the child;

and

(c) where the enrollee is a child, details of any provision in force at law —

- (i) for the long-term care, welfare and development of the child; or
- (ii) for the day to day care, welfare and development of the child;

and

(d) where applicable, the name of the school at which the enrollee is enrolled or was last enrolled; and

(e) the country of citizenship of the enrollee and, where applicable, whether the enrollee has the right to reside in Australia; and

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- 1 | ~~(f) the vaccination status of the enrollee; and~~  
2 | (g) details of any condition of the enrollee that may  
3 | call for special steps to be taken for the benefit  
4 | or protection of the enrollee or other persons in  
5 | the school; and  
6 | (h) any other information prescribed by the  
7 | regulations.  
8 | (2) The principal may require documentary evidence to be  
9 | provided in support of any information supplied by the  
10 | applicant under subsection (1).  
11 | (2A) A person who wishes to make an application for  
12 | enrolment at a school is to provide the immunisation  
13 | status of the enrollee in accordance with the *Public*  
14 | *Health Act 2016* section 141B(2).

15 | **11. Section 17 amended**

16 | **17. Change of s. 16 particulars, principal to be notified**  
17 | **of**

- 18 | (1) Where there is a change in —  
19 | (a) the place of residence of an enrollee; or  
20 | (b) the particulars referred to in section 16(1)(b),  
21 | (c) or (g) or section 16(2A) in respect of the  
22 | enrollee,  
23 | notice of the change is to be given to the principal of  
24 | the school at which the enrollee is enrolled —  
25 | (c) by a parent of the enrollee; or  
26 | (d) in the case of an enrollee who has turned 18 or  
27 | who is a prescribed child, by the enrollee; or  
28 | (e) by a person whose details have been provided  
29 | under section 16(1)(b)(ii)(II).

- 1 (2) A notification to a principal under subsection (1) may  
2 be given in any way that is determined by the principal  
3 to be acceptable, either generally or in a particular case.

4 **12. Section 23 amended**

5 **23. Attendance requirements**

- 6 (1) A student must, for every year of the student's  
7 compulsory education period, on the days on which the  
8 school is open for instruction —  
9 (a) either —  
10 (i) attend the school at which the student ~~he~~  
11 ~~or she~~ is enrolled; or  
12 (ii) otherwise participate in an educational  
13 programme of the school whether at the  
14 school or elsewhere,  
15 as required by the principal; or  
16 (b) comply with an arrangement under section 24.  
17 (1a) A student who is enrolled as mentioned in  
18 section 10(2) may attend or participate for the purposes  
19 of subsection (1) or section 24 on a part-time basis, and  
20 the principal is to facilitate the student doing so.  
21 (2) Subsection (1) has effect subject to —  
22 (a) section 25 (which relates to non-attendance for  
23 reasonable cause); and  
24 (b) section 27 (which relates to ~~enables a principal~~  
25 ~~to require~~ non-attendance for public health  
26 reasons); and  
27 (c) section 30 (which allows non-attendance at a  
28 government school for a recognized religious or  
29 cultural observance).  
30 (3) Subsection (1) is enforceable under Division 5.

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1 13. Section 27 amended

2 27. ~~Required infectious etc. student, principal may~~  
3 ~~require non-attendance of~~ student on public health  
4 grounds

5 (1A) In this section —

6 Chief Health Officer has the meaning given in the  
7 Public Health Act 2016 section 4(1).

8 (1B) The principal of a school must comply with a direction  
9 given by the Chief Health Officer for the purposes of a  
10 regulation made under the Public Health Act 2016  
11 section 142(d) to not permit a child to attend the school  
12 or participate in an education programme of the school.

13 (1) The principal of a school may require that a student —

- 14 (a) not attend the school; or  
15 (b) not participate in an educational programme of  
16 the school,

17 during any day on which the student or any other  
18 student at the school is suffering from a medical  
19 condition to which this section applies.

20 (2) Subsection (1) ~~This section~~ applies to a medical  
21 condition that, on advice from the Chief Health Officer  
22 or a registered medical practitioner, the principal  
23 considers may be infectious, contagious or otherwise  
24 harmful to the health of persons who are at the school  
25 or participating in an educational programme of the  
26 school.

27 ~~(3A) In subsection (2) —~~

28 ~~Chief Health Officer has the meaning given in the~~  
29 ~~Public Health Act 2016 section 4(1).~~

- 1 (3) A requirement under subsection (1) is to be in writing  
2 given —  
3 (a) to a parent of the student; or  
4 (b) in the case of a student who has turned 18 or  
5 who is a prescribed child, to the student; or  
6 (c) to a person whose details have been provided  
7 under section 16(1)(b)(ii)(II).
- 8 (4) An adult who is notified of a requirement under  
9 subsection (1) is to ensure that it is complied with by  
10 the student.  
11 Penalty: a fine of \$500.

12 **14. Section 77 amended**

13 **77. Child below compulsory school age, when entitled**  
14 **to be enrolled**

15 A child is entitled to be enrolled at a particular  
16 government school for each year before the child's  
17 compulsory education period falls if —

- 18 (a) there is available for the child at that school —  
19 (i) an appropriate educational programme;  
20 and  
21 (ii) classroom accommodation;  
22 and  
23 (ab) the enrolment would not contravene the *Public*  
24 *Health Act 2016* section 141D; and  
25 (b) the enrolment would conform with other  
26 criteria prescribed by the regulations for the  
27 purposes of this section.

s. 15

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- 1 **15. Section 82 amended**
- 2 **82. Resolving a question ~~Question~~ under s. 76, 77, 78 or**
- 3 **~~79, resolving~~**
- 4 (1) This section applies to a child —
- 5 (a) in the child's —
- 6 (i) pre-compulsory education period; or
- 7 (ii) compulsory education period;
- 8 and
- 9 (b) in respect of whom an application for
- 10 enrolment has been made under section 74 but
- 11 who has not been enrolled in accordance with
- 12 the application.
- 13 (2) If in relation to a child any question arises under
- 14 section 76, 77, 78 or 79 as to whether —
- 15 (a) the usual place of residence of the child is or is
- 16 not —
- 17 (i) in the State; or
- 18 (ii) in a particular intake area;
- 19 or
- 20 (b) an educational programme is available or is
- 21 appropriate for the child; or
- 22 (c) classroom accommodation is available; or
- 23 (d) any other ~~prescribed~~ criterion prescribed under
- 24 section 77(b) is satisfied,
- 25 the issue in dispute is to be decided by the chief
- 26 executive officer.
- 27 (3) Where the chief executive officer decides under
- 28 subsection (2) that —
- 29 (a) the usual place of residence of the child is not
- 30 in an intake area for a school; or



- 1 (b) an educational programme at a school is not  
2 available or is not appropriate for the child; or  
3 (c) classroom accommodation is not available at  
4 the school for the child; or  
5 (d) any other ~~prescribed~~-criterion [prescribed under](#)  
6 [section 77\(b\)](#) is not satisfied in relation to the  
7 child,

8 the chief executive officer is to determine at which  
9 other government school (or schools if a choice is  
10 given) the child may be enrolled.

- 11 (4) The chief executive officer may make an interim  
12 decision on an issue in dispute pending the making of a  
13 final decision, and effect is to be given to the interim  
14 decision.

15 **16. Section 159 amended**

16 **159. Standards for non-government schools**

- 17 (1) The Minister may determine standards for  
18 non-government schools about any of the following  
19 matters —  
20 (a) the curriculum or curriculums of schools;  
21 (b) staff to student ratios at schools;  
22 (c) the days, and hours per day, of instruction  
23 provided by schools;  
24 (d) the staff of schools;  
25 (e) the premises that may be used for, or in  
26 connection with, schools;  
27 (f) the facilities of schools;  
28 (g) the number of children in each year level at  
29 schools;

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- 1 (h) the enrolment and attendance procedures at  
2 schools;
- 3 (ha) the health and safety procedures at schools,  
4 including immunisation requirements for  
5 enrolment;
- 6 (i) the management, recording and reporting of  
7 critical and emergency incidents at schools;
- 8 (j) the arrangements (if any) for board and lodging  
9 for students on school premises or premises  
10 associated with schools;
- 11 (k) the response to, and recording of, complaints  
12 and disputes at schools;
- 13 (l) the arrangements for preventing child abuse at  
14 schools and for responding to any such abuse  
15 which may occur;
- 16 (m) the sufficiency of schools' financial resources  
17 for providing education of the kind for which  
18 registration is sought;
- 19 (n) any other matter prescribed by the regulations.
- 20 (2) A standard is to be determined in accordance with  
21 consultation procedures prescribed by the regulations.
- 22 (3) A standard —
- 23 (a) takes effect —
- 24 (i) on the day the standard is determined by  
25 the Minister; or
- 26 (ii) if a later day is stated in the standard, on  
27 that day;
- 28 and
- 29 (b) is to be published on a website maintained by  
30 the chief executive officer.

- 1 (4) A standard may be amended or repealed by a  
2 subsequent determination by the Minister.
- 3 (5) Subsection (2) applies to and in relation to the  
4 amendment of a standard.
- 5 (6) Subsection (3) applies to and in relation to the  
6 amendment or repeal of a standard.

7 **17. Section 206 amended**

8 **206. Curriculum and enrolment**

- 9 (1) Sections 67 and 68 have effect as if the references in  
10 those sections to government schools included  
11 community kindergartens.
- 12 (2) The enrolment of a child at a community kindergarten  
13 is to be in accordance with
- 14 (a) the *Public Health Act 2016* Part 9 Division 8;  
15 and  
16 (b) the regulations.

17