

# No Jab, No Play

## Frequently asked questions

20 October 2015

Under the new 'No Jab, No Play' legislation, before enrolling a child, early childhood services will have to first obtain evidence that the child is:

- fully immunised for their age OR
- on a vaccination catch-up program OR
- unable to be fully immunised for medical reasons.

'Conscientious objection' is not an exemption under the 'No Jab No Play' legislation.

## About vaccination

### Why are vaccinations so important?

Vaccination is one of the most effective interventions to prevent disease worldwide. Modern vaccines provide high levels of protection against an increasing number of diseases which, in some cases, can be fatal.

Worldwide, it is estimated that immunisation programs prevent approximately 2.5 million deaths each year.

The current immunisation rate in Victoria for children under 5 years of age is around 92 per cent; however immunisation coverage of 95 per cent is necessary to halt the spread of particularly virulent diseases such as measles.

Immunisation not only protects those people who have been vaccinated, it also protects those in our community who may be unable to receive vaccines themselves, by reducing the prevalence and spread of disease.

### What immunisations are required for children at childcare and kindergarten?

Under the new legislation, children will be required to be fully vaccinated for their age.

For more information, view the immunisation schedule for vaccines available under the National Immunisation Program, and when they should be received.

### Where can parents/carers access immunisation services?

GPs, immunisation nurses at local councils, and health clinics can provide immunisation services.

The Better Health Channel website has a health service locator that can assist Victorians to find their nearest immunisation provider.

### Are vaccines safe?

The scientific evidence supporting vaccination is overwhelming, and the benefits far outweigh the very small risks.

All vaccines currently available in Australia must pass stringent safety testing before being approved for use by the Therapeutic Goods Administration, Australia's regulatory authority for therapeutic goods. Safety testing is required by law and is usually done over many years during the vaccine's development.

Once vaccines are in use, their safety is continually monitored by the Therapeutic Goods Administration and other organisations.

All immunisation providers play an important role in reporting adverse events following immunisation which assists in safety surveillance after a vaccine is registered for use in Australia. In Victoria the agency that receives all reports is SAEFVIC (Surveillance of Averse Events Following Vaccination in the Community) – [www.saefvic.org.au](http://www.saefvic.org.au) or 1300 882 924.

## About the 'No Jab, No Play' law

### When does the 'No Jab, No Play' law come into effect?

It is intended that the law will come into effect from 1 January 2016.

Enrolments for a place at an early childhood service commencing at the beginning of 2016 that are confirmed in writing by the service before the legislation comes into effect will not be impacted by the legislation.

Being registered on a waiting list for a place at an early childhood service is not a confirmed enrolment.

### Who will the 'No Jab, No Play' law impact and how?

These laws will apply to all early childhood education and care services in Victoria providing:

- long day care
- kindergarten
- occasional care
- family day care.

The legislation will not apply to:

- enrolment in primary or secondary school
- outside school hours care (after school care, before school care, vacation care)
- enrolments of school children in long day care, family day care or occasional care
- casual occasional care services that offer care of less than 2 hours per day and less than 6 hours per week
- playgroups.

Nothing changes for parents of children who are fully immunised because existing legislation already requires that immunisation information is provided on enrolment in early childhood education and care services.

Resources are being provided to early childhood services to assist families of children who aren't up-to-date with their immunisations with support and information as to where they can access vaccinations.

### Why is conscientious objection not an exemption under the legislation?

The purpose of removing this exemption is to ensure as many children as possible are vaccinated against serious and potentially life-threatening illnesses.

If parents/carers have questions or concerns about immunisation or particular vaccines, they should seek

answers from a qualified source, such as a GP or immunisation nurse. The Better Health Channel also provides quality-assured information online.

### Do the 'No Jab, No Play' laws breach human rights?

The Victorian Charter of Human Rights and Responsibilities is a law that protects the human rights of all people in Victoria. The rights in the charter may be subject to reasonable limitation. Reasonable limitation involves balancing the rights of the individual with the need for government to protect the broader public interest especially in relation to public safety, health and order.

The benefits of immunisation are overwhelming, preventing death and disability, and protecting not only the individual but others in the community who cannot be vaccinated.

The public health risks of failing to vaccinate are so great, which is why the Government is committed to implementing the 'No Jab, No Play' law to boost immunisation rates in the community.

### Shouldn't immunisation be a personal choice?

The legislation does not mandate vaccinations, nor does it require the administration of vaccines without consent. Parents may continue to make a choice not to vaccinate their children.

However, Governments have a responsibility to make decisions that balance the best possible community health outcomes with individual choices. Preventing problems before they occur is vital to good health.

The purpose of 'No Jab, No Play' is to increase immunisation rates in the community, particularly amongst young children. This is a public health priority, given the serious risk posed by vaccine-preventable diseases and the proven safety and efficacy of vaccines.

### Is 'homeopathic immunisation' accepted under 'No Jab, No Play'?

No. 'Homeopathic immunisation' is not a recognised form of immunisation. For more information view the Homeopathy and Vaccination fact sheet produced by the National Centre for Immunisation Research.

### Could a child care service for unvaccinated children open in Victoria?

Anyone offering education and care services as defined under the *Education and Care Services National Law*

*Act 2010* is required to be licensed by the Department of Education and Training.

Such services are required to meet minimum standards in relation to staffing, premises and operational requirements to protect children's safety, health and wellbeing. Once the new legislation comes into effect, this will also include adhering to the 'No Jab, No Play' requirements.

If the Department of Education and Training believed an unapproved or unlicensed service was in operation this would be promptly investigated. The maximum penalty for operating an unlicensed education and care service is \$20,000 for an individual or \$100,000 for a company or incorporated association.

## About required documentation

### **Under 'No Jab, No Play' what documentation is required as evidence of up-to-date vaccination?**

Existing legislation already requires that immunisation information is provided on enrolment.

When the 'No Jab, No Play' law is in effect from 1 January 2016, to finalise enrolment for a child in long day care, kindergarten, family day care or occasional care, parents/carers have to provide the service with an immunisation status certificate that shows their child:

- is up to date with vaccinations for their age OR
- is on a vaccine catch-up schedule OR
- has a medical condition preventing them from being fully vaccinated.

An immunisation status certificate is a statement showing the vaccines a child has received. The most common type of immunisation status certificate is an Immunisation History Statement from the Australian Childhood Immunisation Register (ACIR).

Immunisation History Statements can be requested at any time by contacting Medicare:

- phone 1800 653 809
- email acir@medicareaustralia.gov.au
- visit the Medicare website
- visit your local Medicare office.

Parents and carers are able to obtain documentation from immunisation providers that meet the requirements for enrolment. This has to show:

- what vaccines the child has had
- what date the next vaccine is due, if applicable
- any medical contraindications.

Resources have been developed for immunisation providers and early childhood services to ensure that simple, clear documents are available to facilitate enrolment.

It is likely that, in most cases, providing the ACIR Immunisation History Statement will be the easiest process for services and parents.

### **What is considered a 'medical exemption' under 'No Jab, No Play' and what documentation is required as evidence?**

Some children may be exempt from the requirement to be fully vaccinated on medical grounds.

Examples of valid medical reasons that a child could not be fully vaccinated include:

- an anaphylactic reaction to a previous dose of a particular vaccine, or
- an anaphylactic reaction to any vaccine component
- has a disease which lowers immunity (such as leukaemia, cancer, HIV/AIDS, SCID), or
- is having treatment which lowers immunity (such as chemotherapy).

Parents/carers who think their child may require a medical exemption to one or more vaccines should consult their GP.

If a child had a medical reason they cannot be vaccinated, a GP needs to complete and sign a Medicare Immunisation Exemption Medical Contraindication Form, and send it to the Australian Childhood Immunisation Register (ACIR).

The parent then needs to obtain an updated Immunisation History Statement from the ACIR that indicates the child was up-to-date with all the vaccines that they can have, and listed the vaccines that they cannot have due to a medical contraindication. This statement needs to be provided by the parent to the early childhood service to finalise enrolment.

Alternatively, parents and carers can obtain documentation from their GP that meets the requirements for enrolment.

### **What do parents/carers whose child's vaccinations are not up-to-date need to do to obtain acceptable documentation?**

If a child's vaccinations are not up-to-date the parents/carers should consult their doctor or immunisation nurse about bringing the child's vaccinations up to date.

If a child has missed the last due vaccine their doctor or immunisation nurse needs to give the overdue vaccine and inform the Australian Childhood Immunisation Register (ACIR). The parent/carer then needs to request an updated Immunisation History Statement from ACIR.

The updated ACIR Immunisation History Statement showing that vaccines are 'up-to-date' needs to be provided by the parent to the early childhood service to finalise enrolment.

If a child has missed all or several vaccines their doctor or immunisation nurse needs to develop an approved vaccination catch-up schedule.

The child has to start the catch-up schedule and be on track with their vaccinations according to that schedule. They do not need to have completed the schedule before enrolment could be confirmed.

The immunisation provider can provide documentation about the catch up schedule that the parent can then provide to the early childhood service to finalise enrolment.

Families who experience difficulty accessing vaccinations or the required documents can seek support and guidance from the early childhood service.

If parents/carers have questions or concerns about immunisation or particular vaccines, they should seek answers from a qualified source, such as a GP or immunisation nurse.

The Better Health Channel also provides quality-assured information online.

### **How can parents/carers obtain acceptable documentation if their child was vaccinated overseas?**

Families whose children were vaccinated overseas should consult their doctor or immunisation nurse. Overseas vaccination schedules may differ from the Australian schedule and need to be checked by a doctor/nurse who will transfer the information to the Australian Childhood Immunisation Register (ACIR).

If/once the child is up-to-date with the Australian schedule, the ACIR can issue the parent with an Immunisation History Statement that shows they are up-to-date.

For families that do not have a Medicare card, vaccines recorded and provided in Australia can still be recorded on ACIR. The parent/carer can contact ACIR and request a copy of the Immunisation History Statement.

The parent has to provide the statement to the early childhood service to finalise enrolment.

If the child is not up-to-date with the Australian schedule, and requires a number of vaccines, a catch-up schedule needs to be developed by the immunisation provider.

The immunisation provider can provide documentation about the catch up schedule that the parent/carer should then provide to the early childhood service to finalise enrolment.

### **What about vulnerable children who are behind on their vaccinations and find it difficult to access the required documentation or immunisation services?**

There are some children in the community whose families face difficulties accessing vaccinations and/or the required documentation to prove immunisation status.

Under the legislation, some families (such as those who are eligible for kindergarten subsidies) would be eligible to enrol and commence at the childcare/kindergarten service, under a 'grace period' provision, while they bring their children's vaccinations up-to-date.

Early childhood services, with help from the Departments of Health and Human Services and Education and Training, will support families of children who are not up-to-date with their vaccinations and provide them with information as to where they can access vaccinations.

### **Who is eligible for the grace period?**

Under the No Jab No Play law, vulnerable and disadvantaged children will be eligible to enrol in a service under a grace period, without having provided proof of up to date immunisation. The grace period provisions allow the family to continue to access early childhood education and care services while receiving information and assistance to get their child's immunisations up to date and to obtain the required immunisation documentation that needs to be provided to the service.

Children eligible to be enrolled under the grace period include:

- children evacuated from their place of residence due to an emergency such as a flood or bushfire;
- children in emergency care within the meaning of section 3(1) of the Children, Youth and Families Act 2005;

- Children in the care of an adult who are not the child's parent due to exceptional circumstances such as illness or incapacity;
- Children identified as Aboriginal or Torres Strait Islander
- Children whose parents hold a health care card, a pensioner concession card, a Veterans Affairs Gold or White card;
- Children from a multiple birth of triplets or more
- Any other circumstance specified in the guidelines made by the Secretary to the Department of Health and Human Services.

Guidelines specifying additional groups eligible for the grace period are currently being developed. It is intended that they will include refugee and asylum seekers, children known to child protection and children referred to Child FIRST. Updated information about the guidelines will be added to this Fact Sheet when available.

### **How long is the grace period?**

The grace period is for 16 weeks commencing from the date that the child first attends the service.

### **What needs to happen during the grace period?**

#### **Early Childhood Education and Care Services**

During the 16 week grace period, early childhood education and care services are required to take reasonable steps to obtain the required immunisation documentation.

The Departments of Health and Human Services and Education and Training are developing materials to support early childhood education and care services to implement the grace period provisions. This will include a checklist to determine eligibility for the grace period as well as information to provide to parents about where to access immunisation services.

#### **Parents**

During the 16 week grace period parents should endeavour to have their child vaccinated if required, and/or obtain the necessary immunisation documentation and provide it to the service.

Early childhood services can provide parents with support and information to do this.

## **More information**

### **View the 'No Jab, No Play' legislation**

View the legislation online at Victorian Legislation and Parliamentary Documents.

### **About Commonwealth 'No Jab, No PAY' initiative**

The Commonwealth Government has announced that, from 1 January 2016, subject to passage of legislation, families will no longer be eligible for family assistance payments if their children (up to the age of 19) are not fully immunised or if they do not have an approved medical exemption. For information call the Families and Parent Line: 13 61 50.

### **Request an Immunisation History Statement**

Contact the Australian Childhood Immunisation Register to request an Immunisation History Statement on telephone: 1800 653 809.

### **Locate an immunisation provider**

The Better Health Channel website: [www.betterhealth.vic.gov.au](http://www.betterhealth.vic.gov.au) has a health service locator that can assist Victorians to find their nearest immunisation provider.

### **View the immunisation schedule**

Search 'childhood immunisation' on the Better Health Channel: [www.betterhealth.vic.gov.au](http://www.betterhealth.vic.gov.au)

Authorised and published by the Victorian Government,  
1 Treasury Place, Melbourne.

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