



INTRODUCTORY STATEMENT

MODEL PROVISIONS FOR CERTIFICATION OF IMMUNISATION STATUS ON SCHOOL AND CHILDCARE ENTRY

Background

On 30 July 1998 the Australian Health Minister's Conference (AHMC) endorsed the Legislation Reform Working Group's workplan, which identified a uniform national approach for immunisation certification and best practice model provisions for inclusion in the Legislator's Toolkit. Ten key elements were developed by LRWG, in close consultation with immunisation policy representatives of all jurisdictions, to inform the drafting of these best practice model provisions. These were endorsed as 'Key Principles' by the National Public Health Partnership Group, in the context of the proposed adoption of the model provisions as a 'policy blueprint' to aid in the development of future legislation. The Partnership Group specifically noted that 'in principle' adoption of the provisions would not commit individual jurisdictions to immediate legislative action.

Purpose of Model Provisions

The Model Provisions for Certification of Immunisation Status on School and Child Care Entry ('model provisions') are intended to provide a policy blueprint to aid the development of new legislation and reviews of existing legislation. They also represent the views of LRWG members as to what constitutes 'best practice' in the context of national harmonisation of immunisation certification provisions. However, LRWG recognises both the paramountcy of parliamentary sovereignty of each State and Territory jurisdiction enacting its own laws in this field, and the desirability of retaining flexibility for individual jurisdictions to adapt the model provisions to local circumstances and systems as they see fit.

It is not intended that the model provisions prescribe the method or content of individual States and Territories' certification of immunisation status legislation. Nor is it intended that the model provisions be adopted pursuant to a specific national legislative scheme.

INTRODUCTORY STATEMENT

MODEL PROVISIONS FOR CERTIFICATION OF IMMUNISATION STATUS ON SCHOOL AND CHILDCARE ENTRY

Of all the implementation options for national legislative schemes (for example: adoption by reference, mirror legislation, template legislation or complementary adoptive legislation) the model provisions are intended to most closely resemble the 'alternative consistent' legislative scheme. This scheme enables individual jurisdictions to pass their own legislation, which can either be identical to, less extensive than, or go further than, the model legislation which informs it. However, as noted, the endorsement of the model provisions for inclusion in the Legislators' Toolkit does not represent endorsement of a 'national legislative scheme' in a formal sense.

The model provisions, through the use of flexible definitions and extensive referencing, clearly indicate the specific areas that may give rise to jurisdictional difference, to reflect local circumstances identified through relevant policy and legislative development processes.

It is intended that, in implementing or reviewing legislation for the certification of immunisation status on school or child care entry, individual States and Territories will remain responsible for determining the form and content of the provisions to be enacted in their own jurisdictions. It is acknowledged that the model provisions represent a harmonised approach across jurisdictions, reflecting the desirability of a uniform commitment to the need for certification legislation and its key principles, whilst recognising the desirability of diversity in terms of the method of enactment, legislative placement and extent of the model provisions in each jurisdiction.