



Family Assistance (Immunisation and Vaccination) (Education) Determination 2018

I, Simon Birmingham, Minister for Education and Training, make this Determination under section 4 and subsection 6(7) of the *A New Tax System (Family Assistance) Act 1999*.

Dated: 21 June 2018

Simon Birmingham
Minister for Education and Training

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Part 1 Preliminary

1 Name

This Determination is the *Family Assistance (Immunisation and Vaccination) (Education) Determination 2018*.

2 Commencement

This Determination commences on 2 July 2018.

3 Authority

This Determination is made under section 4 and subsection 6(7) of the *A New Tax System (Family Assistance) Act 1999*.

4 Revocation

The *Child Care Benefit (Vaccination Schedules) (Education) Determination 2015* is revoked.

5 Application

This Determination applies in relation to working out whether:

- (a) an individual, is eligible for CCS or ACCS for a session of care provided to a child on a day on or after 2 July 2018; or
- (b) an approved provider is eligible for ACCS (child wellbeing) for a session of care provided to a child on a day on or after 2 July 2018.

6 Purpose

The purpose of this Determination is to set out:

- (a) in Part 2, the decision-making principles that the Secretary must comply with when making a determination under subsection 6(6) of the Act that a child meets the immunisation requirements; and
- (b) in Part 3, the vaccination schedules for the immunisation of children.

7 Definitions

- (1) In this Determination:

Act means the *A New Tax System (Family Assistance) Act 1999*.

approved provider has the same meaning as in section 3 of the Family Assistance Administration Act.

Australian Immunisation Handbook means the *Australian Immunisation Handbook*, published by the National Health and Medical Research Council, and as in force from time to time.

Family Assistance Administration Act means the *A New Tax System (Family Assistance) (Administration) Act 1999*.

family violence has the same meaning as in section 4AB of the *Family Law Act 1975*.

Hib means *Haemophilus influenzae* type b.

listed medical practitioner means a medical practitioner whose name has been given to the Commonwealth Chief Medical Officer by the Chief Health Officer of a State or Territory for the purpose of giving certificates under section 13 of this Determination.

member of the immediate family means a person who is a partner, child, parent, grandparent, grandchild or sibling of the person.

National Health and Medical Research Council means the council established by section 5B of the *National Health and Medical Research Council Act 1992*.

permanent humanitarian visa has the same meaning as in regulation 1.03 of the *Migration Regulations 1994*, as in force from time to time.

Note 1 Other terms used in this Determination are defined in the Act (see subsection 3(1)), including:

- *ACCS*;
- *CCS*;
- *immunised*;
- *medical practitioner*;
- *partner*; and
- *recognised immunisation provider*.

Note 2 As of 11 May 2018, the *Australian Immunisation Handbook* (in its 10th edition) can be found at:

<http://www.immunise.health.gov.au/internet/immunise/publishing.nsf/Content/Handbook10-home>

- (2) A reference in this Determination to a child meeting the usual immunisation requirements is a reference to the child meeting the immunisation requirements by reason of subsection 6(2), 6(3), 6(4) or 6(5) of the Act.

Part 2 Immunisation requirements

8 Decision-making principles

- (1) The Secretary may make a determination under subsection 6(6) of the Act if, and only if, the Secretary is satisfied that the requirements in section 9, 10, 11, 12, 13, 14 or 15 of this Determination are met.
- (2) If, when making a determination under subsection 6(6) of the Act in relation to a child, the Secretary is satisfied that the child is likely to meet the usual immunisation requirements within a particular period, the Secretary must make the determination for no longer than that period.

Note The Secretary is able to make another determination under subsection 6(6) of the Act in relation to the child at the end of the period.

- (3) If the Secretary makes a determination under subsection 6(6) of the Act in relation to a child because the Secretary is satisfied that the requirements in section 11 of this Determination are met, the Secretary must make the determination for no longer than 6 months after the child's first entry into Australia.
- (4) If, while a determination under subsection 6(6) of the Act is in force in relation to a child, the Secretary is satisfied that the child meets the usual immunisation requirements, the Secretary must revoke the determination.

Note Subsection 33(3) of the *Acts Interpretation Act 1901* applies to the revocation of a determination made under subsection 6(6) of the Act.

9 Refusal of consent to vaccination etc.

- (1) The requirements of this section are met if:
 - (a) the child is in the care of a person whose eligibility for CCS is being assessed (*claimant*); and
 - (b) neither the claimant nor the claimant's partner has legal authority to make decisions about the medical treatment of the child; and
 - (c) where the child is aged under 14 years—a person (other than the child) with legal authority to make decisions about the medical treatment of the child has refused, or failed within a reasonable time, to provide consent to the claimant taking actions to enable the child to meet the usual immunisation requirements; and
 - (d) where the child is aged at least 14 years—the child has refused, or failed within a reasonable time, to provide consent to the claimant taking actions to enable the child to meet the usual immunisation requirements.

10 Family violence

The requirements of this section are met if there is a risk that:

- (a) the individual whose eligibility for CCS is being assessed; or
- (b) the child; or
- (c) a member of the immediate family of the individual or the child;

would be subject to family violence if the individual took action to enable the child to meet the usual immunisation requirements.

11 Permanent humanitarian visa holder

The requirements of this section are met if:

- (a) the individual, whose eligibility for CCS is being assessed, is the holder of a permanent humanitarian visa; and
- (b) no more than 6 months have passed since the child's first entry to Australia.

Note A determination made for these reasons can only be in force for a maximum of 6 months after the child first enters Australia: see subsection 8(3) of this Determination.

12 Child at risk of serious abuse or neglect

The requirements of this section are met if:

- (a) an approved provider's eligibility for ACCS (child wellbeing) is being assessed; and
- (b) the child is at risk of serious abuse or neglect; and
- (c) if the Secretary did not make the determination, the risk to the child of serious abuse or neglect would be increased.

13 Unacceptable risk of harm to child or another person

The requirements of this section are met if:

- (a) a listed medical practitioner has certified in writing, in a form and manner, if any, required by the Secretary, that, for the reasons set out in the certificate, immunisation of the child would result in an unacceptable risk of physical harm to the child or a person administering a vaccination to the child; and
- (b) the Commonwealth Chief Medical Officer has certified in writing that he or she agrees with the listed medical practitioner.

Example A child with a disruptive behavioural disorder or developmental disorder who reacts with aggression or defiant behaviour when faced with a medical procedure.

Note Subsection 6(3) of the Act provides that a child meets the immunisation requirements if immunisation of the child would be medically contraindicated, the child has developed natural immunity, or the child is participating in a vaccine study.

14 Notice reminding individual to have child immunised has not yet been received

- (1) The requirements of this section are met if:
- (a) the child has ceased to be immunised as described in subsection 6(2) of the Act because the child has missed a vaccination that was required within one month of an age set out in column 2 of a standard vaccination schedule in Part 3 of this Determination; and
 - (b) the day specified as the date of the notice referred in subsection (2) of this section that is to be given to an individual or approved provider, whose eligibility for CCS or ACCS is being assessed, as applicable, has not yet occurred (including because the notice has not yet been received by the individual).
- (2) The notice referred to in paragraph (1)(b) is a notice that informs the individual or approved provider of the following:
- (a) the fact that the child does not meet the immunisation requirements as referred in subsection 6(2) of the Act;
 - (b) the requirement for the child to meet the immunisation requirements before the end of the immunisation grace period referred to in subsection 67CD(9) of the Family Assistance Administration Act; and
 - (c) the fact that the individual or approved provider may not be entitled to CCS or ACCS payments if the child is not immunised before the end of the immunisation grace period.

15 Child born on or after 1 January 2017 who has been vaccinated in accordance with Schedule 3

The requirements of this section are met if:

- (a) the child is born on or after 1 January 2017 and before 1 February 2018; and
- (b) the child has not received the vaccinations in accordance with Schedule 4 to this Determination for Pneumococcal and Hib; and
- (c) the child has received the vaccinations in accordance with Schedule 3 to this Determination (including for Pneumococcal and Hib).

Part 3 Vaccination schedules

16 Standard vaccination schedule

- (1) For paragraph (a) of the definition of *immunised* in subsection 3(1) of the Act, the standard vaccination schedule for a child is determined by the following table.

If the child was born...	... then the standard vaccination schedule for the child is the schedule set out in the following Schedule to this Determination
on or after 1 May 1998 and before 1 July 2012	Schedule 1
on or after 1 July 2012 and before 1 October 2014	Schedule 2
on or after 1 October 2014 and before 1 January 2017	Schedule 3
on or after 1 January 2017	Schedule 4

- (2) The following paragraphs form part of the standard vaccination schedules mentioned in subsection (1):
- (a) a child must receive a vaccination against each antigen or disease mentioned in column 3 of an item of the standard vaccination schedule for the child no later than one month after reaching the age mentioned in column 2 for that item; and
 - (b) the vaccine for the vaccination against each antigen or disease mentioned in the standard vaccination schedule for a child must be, if the child receives the vaccination in Australia:
 - (i) administered to the child by a recognised immunisation provider; and
 - (ii) registered as a vaccine on the Australian Register of Therapeutic Goods established under section 9A of the *Therapeutic Goods Act 1989*.

17 Catch up vaccination schedule

- (1) For paragraph (b) of the definition of *immunised* in subsection 3(1) of the Act, the catch up vaccination schedule for a child is the catch up vaccination schedule for the child determined in accordance with the *Australian Immunisation Handbook*, to the extent that the schedule relates to the antigens and diseases mentioned in column 3 of Schedules 1 to 4 to this Determination (*relevant antigens and diseases*).

Note 1 As of 11 May 2018, the catch up vaccination schedule was in section 2.1.5 of the *Australian Immunisation Handbook*.

Note 2 It is intended that the timing of catch up vaccinations will be individual to the particular child after appropriate consideration by the recognised immunisation provider of any diseases or antigens the child may already have been vaccinated against.

Schedule 1 Standard vaccination schedule – child born on or after 1 May 1998 and before 1 July 2012

Schedule 1 Standard vaccination schedule – child born on or after 1 May 1998 and before 1 July 2012

Column 1	Column 2	Column 3
Item	Child's age	Antigen or disease
1	2 months	Diphtheria Tetanus Pertussis Polio Hib Hepatitis B*
2	4 months	Diphtheria Tetanus Pertussis Polio Hib Hepatitis B*
3	6 months	Diphtheria Tetanus Pertussis Polio Hib Hepatitis B (or at 12 months)*
4	12 months	Measles Mumps Rubella Hib Hepatitis B (or at 6 months)*
5	4 years	Diphtheria Tetanus Pertussis Polio Measles Mumps Rubella

* *Note* Hepatitis B is required for a child born on or after 1 May 2000.

**Schedule 2 Standard vaccination schedule
– child born on or after 1 July 2012
and before 1 October 2014**

Column 1	Column 2	Column 3
Item	Child's age	Antigen or disease
1	2 months	Diphtheria Tetanus Pertussis Polio Hib Hepatitis B Pneumococcal
2	4 months	Diphtheria Tetanus Pertussis Polio Hib Hepatitis B Pneumococcal
3	6 months	Diphtheria Tetanus Pertussis Polio Hib Hepatitis B (or at 12 months) Pneumococcal
4	12 months	Measles Mumps Rubella Hib Hepatitis B (or at 6 months) Meningococcal C
5	18 months	Measles Mumps Rubella Varicella
6	4 years	Diphtheria Tetanus Pertussis Polio

**Schedule 3 Standard vaccination schedule
– child born on or after
1 October 2014 and before 1 January
2017**

Column 1	Column 2	Column 3
Item	Child's age	Antigen or disease
1	2 months	Diphtheria Tetanus Pertussis Polio Hib Hepatitis B Pneumococcal
2	4 months	Diphtheria Tetanus Pertussis Polio Hib Hepatitis B Pneumococcal
3	6 months	Diphtheria Tetanus Pertussis Polio Hib Hepatitis B Pneumococcal
4	12 months	Measles Mumps Rubella Hib Meningococcal C
5	18 months	Measles Mumps Rubella Varicella Diphtheria Tetanus Pertussis
6	4 years	Diphtheria Tetanus Pertussis Polio

Schedule 4 Standard vaccination schedule – child born on or after 1 January 2017

Column 1 Item	Column 2 Child's age	Column 3 Antigen or disease
1	2 months	Diphtheria Tetanus Pertussis Polio Hib Hepatitis B Pneumococcal
2	4 months	Diphtheria Tetanus Pertussis Polio Hib Hepatitis B Pneumococcal
3	6 months	Diphtheria Tetanus Pertussis Polio Hib Hepatitis B
4	12 months	Measles Mumps Rubella Pneumococcal* Meningococcal C
5	18 months	Measles Mumps Rubella Varicella Diphtheria Tetanus Pertussis Hib**
6	4 years	Diphtheria Tetanus Pertussis Polio

* *Note 1* A child born on or after 1 January 2017 and before 1 February 2018 who has already received the third vaccination against Pneumococcal in accordance with item 3 of Schedule 3 at 6 months, is not required to receive another vaccination against Pneumococcal in accordance with this Schedule for purposes of meeting the immunisation requirements for CCS or ACCS.

** *Note 2* A child born on or after 1 January 2017 and before 1 February 2018 who has already received the fourth vaccination against Hib in accordance with item 4 of Schedule 3 at 12 months, is not required to receive another vaccination against Hib in accordance with this Schedule for purposes of meeting the immunisation requirements for CCS or ACCS.