



Australian Immunisation Register (Consequential and Transitional Provisions) Act 2015

No. 139, 2015

An Act to amend the *Australian Immunisation Register Act 2015* and to deal with consequential and transitional matters arising from the enactment and amendment of that Act, and for related purposes

Note: An electronic version of this Act is available in ComLaw (<http://www.comlaw.gov.au/>)

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[Assented to 12 November 2015]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Australian Immunisation Register (Consequential and Transitional Provisions) Act 2015*.

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent.	12 November 2015
2. Schedule 1	At the same time as the <i>Australian Immunisation Register Act 2015</i> commences. However, if that Act does not commence, the provisions do not commence at all.	1 January 2016
3. Schedule 2	The earlier of: (a) a single day to be fixed by Proclamation; and (b) the day after the end of the period of 12 months beginning on the day this Act receives the Royal Assent. However, if the <i>Australian Immunisation Register Act 2015</i> does not commence, the provisions do not commence at all.	
4. Schedule 3	1 January 2017. However, if the <i>Australian Immunisation Register Act 2015</i> does not commence, the provisions do not commence at all.	1 January 2017

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedules

Legislation that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments commencing 1 January 2016

A New Tax System (Family Assistance) Act 1999

1 Subsection 3(1) (definition of *recognised immunisation provider*)

Repeal the definition, substitute:

recognised immunisation provider has the same meaning as *recognised vaccination provider* in the *Australian Immunisation Register Act 2015*.

Child Support (Registration and Collection) Act 1988

2 Subsection 16AB(3) (after paragraph (c) of the definition of *designated program Act*)

Insert:

(ca) the *Australian Immunisation Register Act 2015*; or

Freedom of Information Act 1982

3 Schedule 3

Insert in its appropriate alphabetical position, determined on a letter-by-letter basis:

Australian Immunisation Register Act 2015, section 23

Healthcare Identifiers Act 2010

4 Section 5 (definition of *Australian Childhood Immunisation Register*)

Repeal the definition, substitute:

Australian Childhood Immunisation Register means the Australian Childhood Immunisation Register kept under Part 2 of the *Australian Immunisation Register Act 2015*.

Health Insurance Act 1973

5 Part IVA

Repeal the Part.

6 Subsections 130(3B), (3C), (3D), (3E), (3F) and (3G)

Repeal the subsections.

7 After subsection 130(5F)

Insert:

(5G) This section does not prohibit a person from providing information for inclusion in the register kept under Part 2 of the *Australian Immunisation Register Act 2015*.

8 Subsection 130(11)

Omit “or section 46E”.

9 Subsection 130(13)

Omit “or section 46E”.

Human Services (Centrelink) Act 1997

10 Subsection 40A(3) (after paragraph (b) of the definition of *designated program Act*)

Insert:

(ba) the *Australian Immunisation Register Act 2015*; or

Human Services (Medicare) Act 1973

11 Subsection 43A(3) (after paragraph (b) of the definition of *designated program Act*)

Insert:

(ba) the *Australian Immunisation Register Act 2015*; or

National Health Act 1953

12 Subparagraph 9BA(6)(a)(iii)

Repeal the subparagraph, substitute:

- (iii) a prescribed body within the meaning of the *Australian Immunisation Register Act 2015*; or

13 At the end of subsection 135A(5C)

Add:

- ; or (d) a person from providing information for inclusion in the register kept under Part 2 of the *Australian Immunisation Register Act 2015*.

Schedule 2—Amendments commencing later in 2016

Australian Immunisation Register Act 2015

1 Section 3

Repeal the section, substitute:

3 Simplified outline of this Act

This Act establishes a register of information about vaccinations.

The purposes of the register relate to supporting Australian vaccination programs, and vaccination matters more broadly.

Sensitive information in the register is protected.

2 Section 4 (definition of *ACI register*)

Repeal the definition.

3 Section 4

Insert:

AI register means the Australian Immunisation Register.

legal personal representative, of an individual, means:

- (a) a parent or guardian of the individual, if the individual is under the age of 18 years; or
- (b) a trustee of an estate of the individual, if the individual is under a legal disability; or
- (c) a person who holds an enduring power of attorney granted by the individual.

4 Section 4 (definition of *purposes of the ACI register*)

Repeal the definition.

5 Section 4

Insert:

purposes of the AI register means the purposes set out in section 10.

6 Section 4 (subparagraph (b)(i) of the definition of *recognised vaccination provider*)

Omit “ACI register”, substitute “AI register”.

7 Section 4 (paragraph (d) of the definition of *relevant identifying information*)

Omit “parent or guardian”, substitute “legal personal representative”.

8 Section 4 (definition of *young individual*)

Repeal the definition.

9 Part 2 (heading)

Repeal the heading, substitute:

Part 2—Australian Immunisation Register

10 Section 7

Repeal the section, substitute:

7 Simplified outline of this Part

The Australian Immunisation Register is established to keep information about vaccinations of individuals.

The purposes of the register relate to supporting Australian vaccination programs, and vaccination matters more broadly.

Individuals can opt out from receiving certain information from the register. They can also request for their information in the register not to be disclosed for certain purposes.

Payments relating to vaccinations may be made on behalf of the Commonwealth.
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11 Subsection 8(1)

Omit “Australian Childhood Immunisation Register”, substitute “Australian Immunisation Register”.

12 Section 9

Omit “ACI register”, substitute “AI register”.

13 Section 9

Omit “young individual” (wherever occurring), substitute “individual”.

14 Paragraph 9(e)

Omit “young individuals”, substitute “individuals”.

15 Subsection 10(1)

Omit “ACI register”, substitute “AI register”.

16 Paragraphs 10(1)(a) and (e)

Omit “young individuals”, substitute “individuals”.

17 Paragraphs 10(1)(f) and (g)

Omit “a young individual’s”, substitute “an individual’s”.

18 Paragraph 10(1)(h)

Omit “a young individual”, substitute “an individual”.

19 Paragraph 10(1)(j)

Omit “young individuals”, substitute “individuals”.

20 Subsection 10(2)

Repeal the subsection, substitute:

- (2) For an individual who is incapable of managing his or her health affairs:

- (a) paragraph (1)(f) also applies to checking of the individual's vaccination status by a legal personal representative of the individual; and
- (b) paragraphs (1)(h), (i) and (j) also apply to advising, or giving a certificate or information to, a legal personal representative of the individual.

21 Subsection 11(1) (note)

Repeal the note, substitute:

Note: The request could be made by a legal personal representative of an individual who is incapable of managing his or her health affairs (see subsection 10(2)).

22 Subsection 11(2)

Repeal the subsection, substitute:

- (2) An individual may, in the approved form, request that personal information on the AI register relating to or identifying:
 - (a) the individual; or
 - (b) if the individual is a legal personal representative of another individual who is incapable of managing his or her health affairs—that other individual;not be disclosed from the AI register for one or more purposes of the AI register.

23 Paragraph 12(1)(a)

Omit “ACI register”, substitute “AI register”.

24 Subparagraph 12(1)(b)(i)

Omit “a young individual”, substitute “an individual”.

25 Subparagraph 12(1)(b)(iii)

Omit “ACI register”, substitute “AI register”.

26 Paragraph 12(2)(a)

Omit “ACI register”, substitute “AI register”.

27 Subsection 13(1)

Omit “ACI register”, substitute “AI register”.

28 Section 21

Omit “ACI register”, substitute “AI register”.

29 Subsection 22(1) (heading)

Repeal the heading, substitute:

Uploading personal information etc. to the AI register

30 Subsection 22(1)

Omit “in the ACI register”, substitute “in the AI register”.

31 Subsection 22(2) (heading)

Repeal the heading, substitute:

Using or disclosing protected information in the AI register

32 Subsection 22(2)

Omit “ACI register” (wherever occurring), substitute “AI register”.

33 Subsection 26(2)

Omit “the person’s parent or guardian”, substitute “the person’s legal personal representative”.

Healthcare Identifiers Act 2010

34 Section 5 (definition of *Australian Childhood Immunisation Register*)

Repeal the definition.

35 Subparagraph 22D(2)(a)(ii)

Repeal the subparagraph, substitute:

- (ii) information included on the Australian Immunisation Register kept under Part 2 of the *Australian Immunisation Register Act 2015*;

Schedule 3—Amendments commencing 1 January 2017

Australian Immunisation Register Act 2015

1 Subsection 8(2)

Repeal the subsection, substitute:

- (2) Parts of the register may be kept separate from each other, and be called different names.

Note: For example, the parts of the register dealing with vaccinations given through school programs could be kept separately and be called the Australian School Vaccination Register.

2 Paragraph 22(2)(f)

Omit “coroner; or”, substitute “coroner.”.

3 Paragraph 22(2)(g)

Repeal the paragraph.

National Health Act 1953

4 Section 9BA

Repeal the section.

5 Paragraph 135A(5C)(c)

Omit “powers; or”, substitute “powers.”.

6 Paragraph 135A(5C)(d)

Repeal the paragraph.

*[Minister's second reading speech made in—
House of Representatives on 10 September 2015
Senate on 13 October 2015]*

(147/15)
