

PARLIAMENT OF VICTORIA

**Health Services Amendment (Mandatory
Vaccination of Healthcare Workers) Bill 2020**

TABLE OF PROVISIONS

<i>Clause</i>	<i>Page</i>
Part 1—Preliminary	1
1 Purposes	1
2 Commencement	2
Part 2—Amendment of Health Services Act 1988	3
3 Definitions—Health Services Act 1988	3
4 Hospital must comply with directions of Secretary	3
5 Suspension of registration of health service establishment in relation to provision of specified prescribed health service	4
6 Suspension of registration of health service establishment	4
7 Revocation of registration of health service establishment	4
8 New section 105A inserted	4
Part 3—Amendment of Ambulance Services Act 1986	6
9 Definitions—Ambulance Services Act 1986	6
10 General powers of the Secretary	6
Part 4—Repeal of this Act	7
11 Repeal of this Act	7
<hr/>	
Endnotes	8
1 General information	8

PARLIAMENT OF VICTORIA

Introduced in the Assembly

**Health Services Amendment
(Mandatory Vaccination of Healthcare
Workers) Bill 2020**

A Bill for an Act to amend the **Health Services Act 1988** and the **Ambulance Services Act 1986** to provide for directions relating to the vaccination of persons employed or engaged by certain hospitals, health service establishments and ambulance services and for other purposes.

The Parliament of Victoria enacts:

Part 1—Preliminary

1 Purposes

The main purposes of this Act are—

(a) to amend the **Health Services Act 1988**—

5

(i) to enable the Secretary of the
Department of Health and Human
Services to direct public hospitals,

Part 2—Amendment of Health Services Act 1988

3 Definitions—Health Services Act 1988

5 In the definition of *Department* in section 3(1) of
the **Health Services Act 1988**, after "Health"
insert "and Human Services".

4 Hospital must comply with directions of Secretary

(1) After section 42(1)(c) of the **Health Services
Act 1988** insert—

10 "(ca) the requirements for specified persons, or a
specified class of persons, employed or
engaged by the hospital to be vaccinated
against or prove immunity to specified
15 diseases, including the consequences of
non-compliance for those persons as
employees or persons engaged by the
hospital;".

(2) After section 42(2A) of the **Health Services
Act 1988** insert—

20 "(2B) A direction under subsection (1)(ca), or
compliance by a hospital or a person with
that direction, does not constitute
discrimination on the basis of political belief
or activity or religious belief or activity for
25 the purposes of the **Equal Opportunity
Act 2010**".

5 Suspension of registration of health service establishment in relation to provision of specified prescribed health service

5 After section 100(1)(d) of the **Health Services Act 1988** insert—

"(da) the proprietor of the health service establishment has failed to comply with a direction of the Secretary under section 105A; or".

10 **6 Suspension of registration of health service establishment**

After section 101(1)(d) of the **Health Services Act 1988** insert—

15 "(da) the proprietor of the health service establishment has failed to comply with a direction of the Secretary under section 105A; or".

7 Revocation of registration of health service establishment

20 After section 102(1)(c) of the **Health Services Act 1988** insert—

"(caa) has failed to comply with a direction of the Secretary under section 105A; or".

8 New section 105A inserted

25 After section 105 of the **Health Services Act 1988** insert—

"105A Directions of Secretary regarding vaccinations or immunity

30 (1) The Secretary, for the purpose of protecting the health and safety of patients, may in writing direct the proprietor of a health service establishment to require persons employed or engaged by the health service

Health Services Amendment (Mandatory Vaccination of Healthcare
Workers) Bill 2020

Part 2—Amendment of Health Services Act 1988

establishment to be vaccinated against, or
prove immunity to, a disease.

5

(2) A direction under subsection (1) may be
given generally or in relation to a specified
health service establishment or class of
health service establishment.

10

(3) A direction under subsection (1) must
specify—

(a) the persons or class of persons to whom
the requirement is to apply; and

(b) the disease in relation to which the
persons or class of persons are to be
vaccinated or prove immunity."

Part 3—Amendment of Ambulance Services Act 1986

9 Definitions—Ambulance Services Act 1986

5 In the definition of *Secretary* in section 3(1) of the **Ambulance Services Act 1986**, after "Health" insert "and Human Services".

10 General powers of the Secretary

(1) After section 10(4)(c) of the **Ambulance Services Act 1986** insert—

10 "(ca) requirements for specified persons, or a specified class of persons, employed or engaged by the ambulance service to be vaccinated against or prove immunity to specified diseases, including the
15 consequences of non-compliance for those persons as employees or persons engaged by the service; and".

(2) After section 10(4) of the **Ambulance Services Act 1986** insert—

20 "(4A) A direction under subsection (4)(ca), or compliance by an ambulance service or a person with that direction, does not constitute discrimination on the basis of political belief or activity or religious belief
25 or activity for the purposes of the **Equal Opportunity Act 2010**".

Part 4—Repeal of this Act

11 Repeal of this Act

This Act is **repealed** on the anniversary of the day
on which this Act receives the Royal Assent.

5

Note

The repeal of this Act does not affect the continuing operation of
the amendments made by it (see section 15(1) of the
Interpretation of Legislation Act 1984).

Health Services Amendment (Mandatory Vaccination of Healthcare
Workers) Bill 2020

Endnotes

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

By Authority. Government Printer for the State of Victoria.
